

Personnel Policy #2

Effective Date: 09/06/02

Supercedes: 05/08/00, 07/01/99, 05/19/98

City Manager:

I. Purpose

The purpose of the classification and compensation system is to support the recruitment and motivation of qualified and productive employees and to encourage and reward activities that make a positive difference in the lives of residents of the City of Wilmington.

II. Administration of Position Classification

The City Manager shall administer and maintain the classification plan assigning and reassigning positions to classes on the basis of the kind and level of duties and responsibilities. The City Manager shall administer and maintain written classification specifications, which shall include the duties, responsibilities, skills, and abilities for each class, to be used in establishing pay and appointing and evaluating employees.

III. Classification Specification

The Classification Specification provides a general description of essential functions, related tasks, and minimum acceptable qualifications for each classification. Distinction in classifications is based on differences in essential functions and related responsibilities. The differences between jobs that perform similar kinds of work, but at a clearly different level of complexity will be clarified in the class specifications. A variety of similar types of work can be included in one class specification, and skill based differences can be accommodated within the broad class. The classification will be designed so that City managers can assign employees to different work tasks quickly and easily without having to reclassify the job each time that work changes. Classifications are assigned to salary grades in the Pay Plan to distinguish compensation for varying levels of decisions, responsibilities and qualifications.

IV. Administration of the Pay Plan

The City Manager shall administer and maintain the Pay Plan. The Pay Plan is intended to provide appropriate compensation for all classifications. Consideration is given to the relationship to other classifications; to general rates of pay for similar employment in the private sector and in other public jurisdictions; to changes in the cost of living; to financial conditions of the City and other factors. The Plan is subject to annual review through comparative study of all factors affecting the pay plan and to changes in the plan as appear to be warranted.

The City of Wilmington has the following expectations of its Pay Plan:

- ◆ To provide a compensation system of pay grades and pay ranges that will reflect the labor market for various jobs in the City.

- ◆ To aid in the effective recruitment of new employees and recognizing applicants and employees with greater credentials than required by providing department directors flexibility in providing market competitive starting pay.
- ◆ To aid in the retention of employees who contribute to the success of the City, by offering market competitive pay and opportunities for continued pay growth.
- ◆ To link the performance of employees to the objectives of the City by basing salary growth on the evaluation of performance and provide flexibility to departments in the performance management to recognize varying levels of individual performance with higher levels of pay to employees performing above standard.

V. Pay Plan Structure

The City pay plan shall be structured as follows:

- a) Each job classification shall be assigned to a pay band based on job evaluation methodology. The pay bands will reflect current market conditions and internal equity. The width of the salary range will be based on the level of the job classification and the market information. The difference between market average salary of the pay bands will average seven percent.
- b) The market rate will reflect the actual average pay of other employees working in the benchmark positions for other similar employers. The breadth of the pay range will be established from the survey results, making sure that the system is logical and allows employees to receive pay increases for demonstrated performance in the job. The minimum of the pay range will not be greater than 10% below the market average salary.
- c) Sworn police and fire occupations up to the first promotional level and all other classifications designated as non-exempt for overtime under the Fair Labor Standards Act, will have ranges that are divided into steps from the minimum of the pay range up to the market average salary. The differences between the steps will be no less than 2% and no more than 5%. Movement to a new step will be considered at annual increase time unless performance warrants withholding the increase. Future annual salary movement, above the market rate, will be based upon meritorious performance.
- d) Certain classes, at the discretion of the department director and Human Resources Department, will develop skill-based steps from the minimum to the market average salary. The differences between the steps will be no less than 2% and no more than 5% and determined with the establishment of each skill-based program. Employees will be eligible for skill based step increases as defined skills for the classification are obtained based upon the defined performance standards identified by the department. Future annual salary movement, above the market average salary, will be based upon meritorious performance.
- e) Classifications designated as exempt will be eligible for movement through the range based upon meritorious performance and the guidelines established annually at performance increase time.

VI. New Employees

Appointments of outside applicants to vacant positions will be made at the effective minimum rate of the pay grade unless training and/or experience exceed the requirements of the position. In such case, the department director should evaluate the extent to which the credentials are different and may then authorize a starting salary up to the market rate of the pay grade. Non-exempt employees hired below the market rate will be placed on a step within the pay range. The department director in conjunction with the Human Resources Director may recommend to the City Manager a hiring rate anywhere within the range if credentials warrant. Hiring above the market rate will be justified only when the department director can document recruiting difficulties, and/or a candidate whose qualifications clearly exceed the expectation of the class and the pay of other current employees in the same classification.

VII. Appointment Resulting from Voluntary Transfers

Appointments of current employees to regular vacant positions as a result of a competitive process that includes outside applicants will be considered a voluntary transfer, whether it is a lateral, promotion or demotion move.

The department director, in conjunction with the Human Resources Department, will recommend a salary for the employee within the minimum-to-market target range. The department director should recommend an appropriate salary recognizing education, experience and internal equity considering the title, the department and the market, but no less than the minimum of the pay grade. Non-exempt employees below the market average for the classification must be placed on a step within the pay grade.

The department director should not recommend a salary that causes internal equity issues with other staff within the department. The department director may not increase the salary of another employee within the department to equalize a pay equity issue caused by a voluntary transfer. The department director should not expect future considerations for salary adjustments or salary offers based upon the conscious decision to approve a prior salary offer that created internal equity issues within the department.

Hiring above the market rate must be approved by the City Manager and will be justified only when the department director can document recruiting difficulties, and/or a candidate whose qualifications clearly exceed the expectation of the class and the pay of other current employees in the same classification. Typically a pay increase for an internal candidate will not exceed fifteen percent. No salary offer may exceed the maximum of the pay range.

VIII. Apprenticeship Appointments

In those situations where the City's recruits for an *Apprenticeship Appointment* an external candidate or internal promotion will be hired at the designated minimum of the pay range.

The department director shall review the progress of each employee in an apprenticeship status at the intervals designated in the approved apprenticeship program. The employee will be eligible for salary increases based upon satisfactorily meeting the established benchmark goals. Apprenticeship employees will only be eligible for performance increases after they reach the market rate for the position.

IX. Temporary Employees

Temporary employees must be hired at least at the minimum of the pay range. Department directors may authorize adjustment of the pay of a temporary employee at any time that the pay plan is adjusted. However, temporary employees are not eligible to participate in any pay for performance system.

X. Reclassifications

When an employee's position is audited and it is determined that the position functions at a level warranting a different classification, the auditor will recommend that the employee be reclassified to the appropriate level position. If the reclassification action is approved by the City Manager, the employee will be eligible for an increase and the department director may recommend an increase based upon education, experience or internal equity. The new salary will be within the new salary range. A salary above the market average salary will be justified only when the department director can document recruiting difficulties, and/or a candidate whose qualifications clearly exceed the expectation of the class and the pay of other current employees in the same classification. Typically the pay adjustment for a reclassification to a higher classification will not exceed fifteen percent.

XI. Temporary Change in Pay

Current employees who are temporarily reassigned to a different position due to organizational needs, or are serving in an "acting capacity" may have a temporary change in their pay to reflect these circumstances.

For employees who are temporarily reassigned to a higher level position, or serve in an "acting capacity" requiring them to perform substantially all of the work of a higher class for a period exceeding 30 work days will be eligible to receive an increase. The salary increase will be equal to 5% of the market average salary for the higher classification and will begin 30 days after such time that the work in the higher classification is begun.

XII. Reassignment

If approved by the City Manager, employees who are permanently reassigned to a different position the department director, in conjunction with the Human Resources Department, will recommend a salary for the employee. The recommended salary will be within the new range for the position. The recommended salary will take into account the assigned duties, education, experience, internal equity within the department and market. Typically, the pay adjustment will not exceed fifteen percent.

XIII. Annual Salary Increases

If approved in the budget by the City Council, employee salaries will be adjusted as follows:

Structure Increases:

The salary structure will be adjusted based on salary information from the market. All exempt and non-exempt employees, who are performing at a satisfactory level and whose salary is below the new market average, will receive the percentage increase that the salary structure is adjusted.

Performance Increases:

- a) All non-exempt employees, who are performing at a satisfactory level and whose salary is below the new market average, will be eligible for a performance increase to the next step in the pay range. If the employee is not on a step, the employee will be eligible to receive the same percentage increase as exist from step one to step two of the salary range.
- b) All non-exempt employees above the market average and all exempt employees whose performance exceed expectations will be eligible for a performance increase as per the guidelines established for that year. Typically, this increase will not exceed a maximum of 8% increase to the employee's base pay based for performance that exceeds expectations as defined by the department.
- c) All employees during the year will be eligible for a bonus based on the department director's recommendation and within the constraints for the department's budget. Bonus increases will be reviewed by Budget Office for availability of funds and must be approved by the City Manager.

XIV. Withholding Pay and Classification Plan Changes Due to Performance

If the department director determines that the behavior or performance of an employee is not meeting identified expectations, the department director should begin the progressive discipline process to correct the behaviors or performance issues. Progressive discipline is used to deal with specific events in performance management. Annual performance awards should be based upon the evaluation of the employee's total performance to include progressive discipline events. Additionally, the department director may recommend that any salary adjustment (structure or performance) for an employee is withheld. The department director will be required to provide to the Human Resources department documentation showing a corrective action or discipline of the employee for the performance issue or special circumstance.

Employees whose evaluation indicates performance at "less than expected" performance level will not receive any type of salary performance increase for that entire year. Corrective action should be spelled out in the progressive discipline process or the annual performance evaluation and the performance will be reviewed once again within three to six months. Employees who continue to perform at "less than expected" performance shall have performance issues documented and corrected utilizing the City's Progressive Discipline Policy and may be subject to dismissal.

XV. Pay Structure Review

Compensation levels will be established to reflect the labor market for different types of jobs in the City.

- a) The labor market will include public and private sector employers that the City competes with for employees, taking into account a reasonable geographic recruiting market for such personnel. Public organizations will be matched on characteristics such as size, growth, tax base, cost of living, number of employees, and type of community.
- b) Total compensation, including benefits and extra compensation typically provided by similar employers, will be compared to the extent possible.

XVI. Salaries Exceeding the Maximum of a Pay Grade

An employee, whose salary exceeds the maximum of a pay grade as a result of a demotion, reduction in pay grade or reclassification will have his/her salary reduced to the new maximum. The employee will not be eligible for any increase until such time as the employee's salary is less than the maximum of the new pay grade.

XVII. Pay for Part-time Work

All employees exempt and non-exempt appointed for less than full-time service will be paid an hourly rate. The rate for exempt employees shall be determined by converting the established annual salary to an hourly rate.

XVIII. Overtime

Overtime hours are all hours worked by a non-exempt employee during a given workweek (or a given work period for public safety employees consistent with the 207k exemption) that exceed the maximum non-overtime hours established by or pursuant to the Fair Labor Standards Act for such workweek (or work period). Included in any calculation of overtime will be only hours worked on regularly scheduled work days, special events, holidays, planned activities, or unanticipated changes in work schedules. Not included in hours worked will be work on days covered by Inclement Weather policy closure, days paid as vacation, sick leave and holiday or paid administrative leave.

The department director (or designee) must authorize overtime in accordance with established budgetary and fiscal control procedures. Overtime shall be distributed equally as practical among non-exempt employees within the same classification in the department, division, section, or shift regardless of age, sex, race, color, creed, religion, national origin, or disability. Employees who work overtime without authorization will be counseled by the supervisor and subject to disciplinary action if the behavior continues.

Exempt employees required to work outside of his/her normal schedule will receive no additional pay except as allowed under other City policies such as Inclement Weather policy.

The City Manager shall identify exempt and nonexempt classifications in the pay plan.

XIX. Compensatory Time

The City does not allow compensatory time off in lieu of overtime. All hours worked by a non-exempt employee should be paid during the pay period in which the employee worked. Only vacation, sick leave and classifications approved for accruing holidays may accrue hours for future use and payment.

A department director may approve an alternate work schedule within the work week (or work period for public safety and health employees covered under the 207k exemption) to reduce the number of total hours worked in the work week to at or below the overtime threshold for the employee. No hours worked in one workweek or work period should be carried to another workweek or work period.

Exempt employees are required to work those hours necessary to ensure the satisfactory performance of their department or work unit. Exempt employees are paid a salary for the position and do not receive additional pay for working additional hours over the regular scheduled hours except for work paid under the inclement weather policy.

XX. Standby Duty

Emergencies and other conditions of a short duration, which require corrective action at the earliest time, may necessitate having personnel available for service outside the regular work hours on a continuing, but limited basis. Standby duty must be specifically designated as such and must be approved by the department director in accordance with established budgetary and fiscal control procedures. The following procedures will apply to any employee placed on such duty shall:

- a) Leave a phone number where he or she can be reached by telephone or by other communications device; and
- b) Report to the work site with the necessary equipment within a one- (1) hour period and be capable of performing assigned duties.
- c) When called to work, nonexempt employees shall be compensated in accordance with the City's policy on overtime for actual hours worked. Employees may be reimbursed for mileage or provided transportation between the work site and residence should circumstances and conditions warrant. In addition, non-exempt employees placed on Standby Duty shall receive an additional one (1) hour's pay for Standby Duty outside the employee's established workday within a twenty-four (24) hour period and two (2) hours additional pay for each twenty-four hours of Standby Duty on scheduled days off or holidays.
- d) Exempt employees who are called to work or required to be on stand-by will receive no additional compensation.

XXI. Called to Service

Every employee of the City is subject to be called into service when needed. The City may require that work be left at home or with the city where the employee might be reached by phone or to be available by other communication devices. Employees shall not receive any additional pay for being subjected to being called into service. Non-exempt employees will be paid for all hours worked and subject to the overtime provision of the policy only when the employee exceeds the overtime thresholds for his/her position for the work week or period. Exempt employees who are called to work will receive no additional compensation.

XXII. Bonuses

At the department director's discretion, an employee may receive recognition through a cash bonus/award for the employee's efforts or activities related to an additional project or program. All bonuses are subject to the availability of departmental funding and approval of the City Manager.

XXIII. Payroll Deductions

Only payroll deductions specifically mandated by Federal or State act, or as authorized by the employee, may be deducted at each pay period from each employee's pay.

I. Personnel Policy #3

Effective Date: 03/01/02

Supercedes: 05/19/98, 05/01/99

City Manager:

I. Purpose

The City's goal is to ensure that the individuals selected for hire and promotion meet the human resources needs for City service and that the selection processes provide for fair and consistent equal opportunity.

II. Statement of Equal Employment Opportunity Policy

It is the policy of the City to foster, maintain, and promote equal employment on the basis of qualifications and without regard to age, sex, race, color, creed, religion, national origin, or disability.

III. Equal Employment Opportunity

The City Manager will maintain an environment that promotes equal employment opportunity as it relates to employment, training, and promotion and shall administer and provide direction to departments. All employees responsible for recruitment and appointment shall implement practices to assure that equal employment opportunity is being practiced.

IV. Recruitment

Opportunities for employment shall be publicized simultaneously both internally and externally, except for promotions for uniformed fire and sworn police including applicable salary/wages and employment qualifications. Information on job openings may be provided to recruitment sources including organizations and news media serving the appropriate labor market. In addition, notice of vacancies may be posted at designated conspicuous sites within City buildings. Individuals may be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for City service.

V. Applications for Employment

All persons expressing interest in employment with the City must submit an application for employment when a position is vacant or when the City is advertising to fill such positions. Applicants for employment will be required to submit a completed City of Wilmington application. Additionally, applicants may be requested to submit supplemental documentation, references, proof of employability, portfolios, authorization to request or release information for background or driving history, criminal history or credit history inquiry or specific work sample exercises within a prescribed time and at an advertised place.

VI. Qualification Standards

Employees shall meet the employment standards established by the position classification plan and other reasonable, job-related minimum standards of character, aptitude, knowledge, skills and abilities, as well as physical and mental conditions as may be established by the City Manager with the advice and recommendation(s) of department directors.

Qualifications shall be reviewed periodically to assure that requirements conform to the actual job performance requirements.

VII. Selection and General Promotions

Department directors shall make such investigations and conduct such examinations as deemed appropriate to assess the aptitude, education and experience, knowledge and skills, character, fitness, and other qualifications required for positions in the service of the City. All selection devices administered by the City or by persons or agencies for the City shall be appropriate measures of job requirements.

In filling vacancies, all vacancies will be advertised both internally and externally. An effort will be made to promote qualified employees from within the City work force. Qualifications being equal, the internal candidate may be selected over the candidate from outside the City work force. Any employee being promoted must meet the minimum posted qualification standards to include education, training, and experience for the classification to which the promotion is being made.

The successful candidate for promotion shall be chosen on the basis of his/her qualifications and work record without regard to age, sex, color, religion, national origin, or disability. When considering current City employees for promotion, the appointing authority shall carefully examine the qualifications, performance appraisals and work records of the candidates and promote from among those candidates who satisfy the qualification standards.

VIII. Police and Fire Promotions

In making promotions for uniformed fire and sworn police personnel, emphasis shall be placed upon selecting, advancing, and retaining persons on the basis of demonstrated individual merit. Accordingly, all appointments shall be made on the basis of ability, education and training, and experience following the respective department's promotional policy, the posted promotional announcement to include posted minimum qualifications. The City Manager, in consultation with the respective Chief, shall establish such procedures as may be necessary to assure recruitment, examination, and selection of candidates based on merit.

IX. Probationary Periods

A probationary period is considered to be a continuation of the City's selection process.

A new employee appointed to a regular full- or part-time position shall serve a probationary period of twelve (12) months. Uniformed fire and sworn police personnel shall serve an eighteen- (18) month probationary period in accordance with the Civil Service Act. An employee may be dismissed during the probationary period at any time the department director determines that the employee is not satisfactorily performing the assigned duties.

XI. Transfer

The City Manager may effect transfers when required by organizational changes or service needs.

XII. Reduction in Force

In the event that a reduction in force becomes necessary, the City Manager shall first consider the needs of the City in determining those employees to be retained. Consideration will then be given to the skills and abilities and past performance of the employees within the work unit. Finally, consideration will be given to seniority within the unit affected.

Employees who are laid off because of reduction in force shall be given at least two (2) weeks notice of anticipated lay-off. No regular full- or part-time employee shall be separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.

II. Personnel Policy #4

a. Effective Date: 03/01/02

Supersedes: 05/19/98, 05/01/99, 01/03/00

City Manager:

I. Purpose

This policy provides the general guidelines and work rules for employees in City service.

II. Hours to be Worked

The work period is defined as seven consecutive days. Full time, non-exempt employees (other than public safety shift employees) normally work five (5) eight (8) hour days per work period and are subject to the overtime provisions of the Fair Labor Standards Act (FLSA). Public safety employee work schedules will be established and maintained in accordance with the FLSA and work periods may be set between seven and 28 days. Overtime thresholds for public safety employees will comport with the thresholds allowed by the FLSA for the work period established.

The City Manager shall assign departments or other work units the regular hours to be worked in meeting work requirements. All full-time and part-time employees shall work the hours established for the position in the department to which they are assigned.

Employees in executive, managerial, administrative, or professional positions shall work the number of hours necessary to assure the satisfactory performance of their duties. Department directors may establish work schedules for both exempt and nonexempt employees. When the activities of a particular department require some other schedule to meet work needs, the department director may authorize a deviation from the normal schedule.

III. Limitation of Appointment of Relatives and Friends

- A. Two or more members of an immediate family shall not be employed (hired, promoted, transferred, or assigned) within the City if such employment will result in one supervising a member of his or her immediate family, or where one member occupies a position which has influence over the other's employment, promotion, salary administration and other related management or personnel consideration.
- B. This section shall not apply to the promotion of any person employed with the City before May 9, 1988.

IV. Safety.

It is the intent of the City to provide for an ongoing program that assures a safe, healthy work environment for all employees and complies with all safety laws and regulations. To that end, each supervisor shall be responsible for:

- a) Providing safe work procedures and environments;
- b) Implementing safety policies and procedures;
- c) Informing and training employees in safe work habits;
- d) Detecting and correcting unsafe practices and conditions;
- e) Investigating accidents and preparing accident reports;
- f) Encouraging employees to report unsafe conditions and to submit practical safety suggestions.

Likewise, each City employee shall be responsible for:

- a) Developing and maintaining safe work habits;
- b) Promptly reporting all accidents and injuries;
- c) Pointing out what are believed to be dangerous practices and working conditions;
- d) Assisting and cooperating with investigations of accidents;
- e) Taking proper care of safety equipment;
- f) Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery; and
- g) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

In addition to the above provisions, the City will maintain a safety manual which details safety related procedures and responsibilities. Employees are expected to comply with those provisions.

Physical and Mental Examination - Pre-employment and Annual

The City Manager may establish health programs necessary to assure that employees meet the physical and mental requirements for a job and that support employee health needs on a continuing basis. Such programs may include periodic physical or mental examinations for certain groups of employees depending upon job demands and other factors.

Where an incumbent of a position is required to submit to periodic medical evaluation (physical or mental) by virtue of the position such medical evaluations shall be a condition of continued employment. Employees who are determined by the City's occupational healthcare provider to not be "fit for duty" as a result of such evaluation or as a result of a voluntary evaluation shall be removed from duty and placed on appropriate leave (i.e., sick leave, FMLA leave or extended medical leave) for a reasonable period of time as determined by the City's occupational healthcare provider.

In the event that the employee's medical condition does not show a reasonable progression of improvement or if the prognosis for improvement is either unknown or unfavorable, the City will consider the failure to return to duty a resignation for medical reasons. If the employee becomes "fit for duty" at a later date, he or she may apply for re-instatement for the next available position.

III. Light or Restricted Duty

The City provides light or restricted duty based on recommendations from the City's occupational healthcare provider for employees who have suffered work-related injuries or illness. The occupational healthcare provider shall make a recommendation as to the appropriateness of light or restricted duty based on the nature of the injury or illness and the specific requirements of the employee's job.

The City makes no such provisions for light or restricted duties for employees who suffer a non-occupational injury or illness. However, employees who qualify for FMLA leave may perform their full duties on an intermittent basis due to a non-occupational injury or illness may do so on the recommendation of the employee's primary physician or on the recommendation of the City's occupational healthcare provider.

Conformance with Immigration Law Requirements

By Federal Law, all employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States within the first three days of employment. Copies of the completed form I-9 shall be kept on file for appropriate inspection in the Human Resources department.

Alcohol and Drug Free Workplace

No employee shall use intoxicating beverages or non-prescribed controlled drugs of any kind while on duty. Nor shall an employee report for duty while under the influence of an intoxicant or non-prescribed controlled drug. Any employee using medication or a controlled drug by prescription that may affect job performance or safety shall notify his supervisor.

Additional information regarding the City's policy on substance abuse may be found in Administrative Policy #9.

Use of City-owned Equipment

The City specifically forbids the personal use of any City-owned equipment or supplies by any employee, elected or appointed official or individuals unless authorized by the City Manager. Should authorization be granted, use will be limited to the use specified in the authorization.

Use of City-owned vehicles is governed by the following:

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- a) Vehicles owned by the City may be provided to one or more employees in connection with City business and shall be used only on City business. When the vehicle is not used in the City's business, it is kept on the City's business premises. Pursuant to federal and state law, neither the employee, nor any individual whose use would be taxable to the employee, may use the City vehicle for personal use.
 - b) For *bona fide* non-compensatory business reasons, the City may require certain employees to commute to and from work in City vehicles that are not exempted by IRS regulations. In accord with federal and state law, and employee may not use the City-owned vehicle for personal use other than commuting. Under these conditions the City will account for commuting as specified and required in IRS regulations.

X. Travel and Expense Reimbursement

Employees involved in out-of-town travel to attend schools, business meetings, conferences, shall be reimbursed at actual costs for reasonable expenses (meals, lodging, etc.), while travel in personal vehicles will be reimbursed at a mileage rate consistent with prevailing IRS limits for non-taxable reimbursements authorized by the City.

Employees attending meetings, conferences, etc., where lodging is offered and available at the institution, may be required to use such accommodations.

Reimbursement for meal expenses shall be guided by reasonableness. Meal expenses shall ordinarily be reimbursable only when on out-of-town travel or when the meal itself is the occasion of a business meeting. All travel claims must be supported by detailed documentation, usually in the form of receipts or similar vouchers. With approval of the department director, the employee may elect to receive a *per diem* rate for meals. The *per diem* rate is established by the City Manager on the recommendation of the Finance Director. All reasonable costs associated with travel with a total reimbursable amount over \$50 must be submitted through and paid by a travel authorization. Only total travel expenses of \$50 or less per trip may be reimbursed using petty cash.

The City Manager, upon the recommendation of the Finance Director, may deny reimbursement of any questionable, unsupported, or excessive expense claims submitted by employees.

XI. Discrimination/Sexual Harassment

No discrimination shall be exercised, threatened, or promised against or in favor of any applicant or employee because of his or her race, religion, color, creed, national origin, age, sex or disability.

Harassment in any form shall not be tolerated and may lead to dismissal of the offender(s). The City expressly prohibits any form of sexual harassment and all employees have the right to work in an environment free from harassment.

Any employee who believes that he or she has been discriminated against by another employee of the City or who believes that he or she is the victim of sexual harassment should notify the Human Resources director or a member of the Human Resources staff. Notification can also be made to the City Manager, the City Attorney, the employee's department director or the employee's supervisor.

Issues of discrimination and/or sexual harassment will be investigated by the Human Resources department. Resolution of discrimination and/or sexual harassment complaints will be made through the Human Resources department and the City Manager and shall not be subject to the employee grievance procedure.

XII. Surrender of Property

An employee who separates from the City shall be required to return all items of equipment and supplies (including uniforms, keys, etc.) owned by the City. An employee who has authorized deductions from his final paycheck for the value of City uniforms or equipment shall have the value of such property deducted from his final check if the property is not returned.

XIII. Residency Requirement

There is no residency requirement for City employees.

XIV. Smoking Restrictions

Smoking is prohibited in all City buildings and in any vehicle or equipment owned or leased by the City. City employees are permitted to smoke during work hours only on designated breaks and only in designated areas.

XV. Dress Code

All City employees are expected to observe proper hygiene and report to work appropriately dressed for their work assignment. Employees will adhere to any established departmental or divisional dress codes. The City expects an employee to wear provided uniforms in accordance with the uniforms standards established by his department. Upon separation from employment, employees shall return all uniforms to the City.

Departments and divisions may establish specific dress codes appropriate for the work assigned. Supervisors may limit or prohibit the display of tattoos, body piercings, or other decorations or ornamentations based on job assignments.

XVI. Identification Badges

All City employees are issued a City Badge for identification and for use for admission to special events and for accessing restricted City facilities. An employee is expected to

present his identification badge when requested to do so and may be required to wear the badge for security purposes. An employee may not deface his badge or obscure the photo or any other portion of the badge. An employee must surrender his City badge to his supervisor or to the Human Resources department staff when separating from the City.

XVII. New Employee Orientation

All full-time and part-time employees shall attend a new employee orientation conducted by the Human Resources department.

Personnel Policy #5**Effective Date:** 01/03/00**Supercedes:** 05/19/98, 12/01/98, 05/01/99**City Manager:**

I. Purpose

This policy outlines the general regulations regarding all leaves of absence for all City employees. With the City Manager's approval, department directors may institute department-specific policies to address needs related to the scheduling of leave and reporting requirements. Department directors are responsible for ensuring uniform application of leave policies and procedures such that (a) there shall be no abuse of leave privileges and (b) employees shall not be on duty when they might endanger their health or the health of others. Departments must maintain accurate and complete attendance records for all employees (exempt employees may record time off using the *exception* method).

Whenever an employee uses accrued sick or vacation leave due to an injury by a third party, the City reserves a right of subrogation for the value of the paid leave.

II. Applicability

Employees in full-time or part-time regular or probationary positions with the City, except as otherwise provided in applicable state and federal laws, are eligible for leaves of absence.

III. Holidays

- A. City Hall and most City offices shall be closed in observance of the following holidays and such other days as the City Council may designate as holidays for full-time or part-time regular employees of the City:

New Year's Day
Martin Luther King, Jr. Holiday (third Monday in January)
Good Friday
Memorial Day (last Monday in May)
Independence Day (July Fourth)
Labor Day (first Monday in September)
Veterans' Day
Thanksgiving Day
Friday after Thanksgiving
Christmas, (two (2) days to be designated by the City Manager).

Due to the nature of providing municipal services, many employees may be required to work on any or all of the observed holidays. City employees who are required to

work on an observed holiday will be given another day off with pay in lieu of the holiday or paid at the discretion of the department director.

Those employees who are in classifications that are approved for saving an accrued holiday may schedule the use of the accrued holiday subject to operational demands and the approval of his/her supervisor.

All accrued and used holidays will be tracked in the automated personnel/payroll system. An employee's holiday leave balance may not exceed 160 hours. All accrued holiday hours will be paid upon termination subject to the 160 hour maximum.

- B. One additional day will be observed as a holiday in conjunction with Christmas when it falls on Tuesday, Wednesday, or Thursday. This day will be designated as part of the budget process by the City Manager to complement existing holidays.
- C. When a holiday falls on a Saturday or Sunday, the City Manager may designate Friday or Monday to be observed as the holiday.
- D. Part-time employees will receive holidays on a pro-rated basis.

IV. Injury Leave

An employee absent from duty because of disability resulting from an accident covered by the North Carolina Workers' Compensation Act may receive up to twenty-one (21) calendar days of Injury Leave. This leave is provided as a supplement to the payments received under the Workers' Compensation Act. Injury leave is not charged to vacation or sick leave. Following the exhaustion of injury leave, an employee may elect to supplement Workers' Compensation payments with any accrued sick or vacation leave.

Injury leave is paid at 100 percent of the employee's regular pay for any regularly scheduled time missed from work due to the occupational injury or illness during the first seven (7) calendar days following a qualifying, approved occupational injury or illness. To supplement worker's compensation payments, the City provides 33 percent of regular pay for any regularly scheduled time missed from work due to the occupational injury or illness during the eighth through the twenty-first days following the date of the occupational injury or illness.

V. Bereavement Leave

A maximum of three (3) consecutive working days may be authorized for bereavement leave for an employee to attend the funeral of a member of his or her immediate family. Bereavement leave is not charged to vacation or sick leave.

Employees who need additional bereavement time off may request the permission of the department director to use accrued vacation leave or to take the time off without pay.

VI. Family or Medical Leaves of Absence

Any part time or full time regular employee may request a family or medical leave of absence for a period not to exceed six (6) months for reasons of serious personal or family illness or disability. The period of absence shall be covered by authorized, appropriate paid leave. If no paid leave is available, the employee shall be on leave without pay status.

Each request must be submitted to the employee's department director and requires the approval of the department director and the Human Resources director. Requests should be submitted within thirty (30) calendar days of the anticipated leave whenever such leave is foreseeable. Failure to do so may result in denial of the leave request.

Upon approval by the employee's department director and the Human Resources director, the leave of absence shall be granted subject to the following conditions:

A. Family and Medical Leave Act of 1993 (FMLA)

1. All regular full- and part-time City employees who have been employed at least twelve (12) months and have worked at least 1250 hours in the previous twelve (12) months are entitled to twelve (12) weeks of FMLA leave per year. Such leave may be used for (a) purposes of birth, adoption, foster care; or (b) medical care of the employee, employee's spouse, legal dependent or parent with a serious medical condition. The department director shall be responsible for notifying employees of approved FMLA leave and what their rights are under the law. (The Human Resources director may provide assistance in drafting appropriate correspondence.)
2. During FMLA leave, the employee must use appropriate paid leave before taking the time off without pay. For the purposes of this section, a female employee shall be presumed to be personally ill or disabled for a period of six (6) weeks following the birth of her child, unless otherwise documented by a physician, and entitled to use sick leave.
3. A "serious health condition" for purposes of FMLA leave is an illness, injury, impairment, or physical or mental condition that involves either in-patient care in a hospital, hospice, or residential medical care facility or *continuing treatment by a health care provider*. It does not include short-term conditions or voluntary or cosmetic treatments which are not medically necessary. The City may require a doctor's certification of the employee's or the employee's family member's health condition and may require a second opinion (at the City's expense) prior to authorizing a leave of absence. The City may also require medical recertifications every thirty (30) days to justify the ongoing need for time off or modified work schedules.
4. An eligible employee is entitled to a total of twelve (12) weeks of FMLA leave in any rolling year (52-week period). (Note, however, that husbands and wives who are both employed by the City are only entitled to an aggregate of twelve (12) weeks of FMLA leave in any rolling year (52-week period) if the leave is for the birth or the adoption of a child, or for the care of a family member other than

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- spouse.) An employee who is on FMLA leave is guaranteed the same or comparable job and/or shift when he/she returns to work.
5. An eligible employee may, with the City's consent, take intermittent leave or have a modified work schedule due to the arrival of a new child so long as the cumulative leave does not exceed twelve (12) weeks in any rolling year (52-week period). For serious health conditions, intermittent leave or a reduced work schedule is allowed if medically necessary; provided, however, that the City may transfer an employee temporarily to an equivalent position to accommodate such a work schedule.
 6. The City will continue to pay its portion of individual and family health care premiums during FMLA leave. However, if leave beyond the initial twelve (12) weeks is approved, the employee will be responsible for paying his or her health premiums as outlined in section B. 3. below.
 7. An employee who fails to return to work following FMLA leave for a reason other than a serious health condition or other circumstances beyond the control of the employee shall be required to reimburse the City for all health insurance premiums paid for said employee during the leave.
 8. Employees on unpaid FMLA leave shall not earn sick, annual or holiday leave.
 9. The City shall retroactively declare any employee to be on Family and Medical Leave for the purpose of this policy if the employee is still out on leave for medical reasons as defined herein and if the duration of said leave exceeds three (3) days.

B. Extended Medical Leave

1. All City employees who have exhausted FMLA leave or are not otherwise entitled to such leave **may** be granted an additional family or medical leave of absence for a period not to exceed six (6) months. During such time, the employee may choose to use appropriate paid leave or take the time as leave without pay. For the purposes of this section, a female employee shall be presumed to be personally ill or disabled for a period of six (6) weeks following the birth of her child, unless otherwise documented by a physician, and entitled to use sick leave.
2. An employee granted such leave may return to the same or comparable job when he or she returns to work. However, the department director, subject to the operational needs of the department, may withdraw the authority for the Extended Medical Leave at any time.
3. An employee on unpaid leave shall be responsible for paying his or her portion of the insurance premiums and shall not earn sick, annual or holiday leave.

Any employee who fails to report to duty promptly at the expiration of his or her leave of absence will be considered as having voluntarily resigned and will be removed from City service. Questions regarding Family and Medical Leave should be directed to the Human Resources director.

VII. Leave without pay

- A. A full-time or part-time regular employee may be granted a leave of absence without pay by the City Manager for up to one (1) year. The leave shall be used for continuation of education, extended military service or special work that will permit the city to benefit by the experience gained or the work performed, or for reasons deemed justified by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay. Failure to report at the expiration of a leave of absence, unless an extension has been approved, shall be considered a resignation.
- B. An employee shall not accrue any benefits but may retain all unused vacation leave, sick leave and retirement benefits while on leave without pay. Actual time lost on leave without pay will be deducted from time in service for the purpose of computing service awards, vacation accruals and retirement service credits.
- C. On those occasions when an employee does not work a full pay cycle and does not have sufficient accrued vacation leave, sick leave or holiday leave to cover the absence from work, a department director shall be authorized to declare the unpaid time as leave-without-pay.

VIII. Military Leave

Military leave shall be granted to all employees who are members of a reserve component of the United States Armed Forces or National Guard for annual training, monthly drills, war or national emergency. Proof of any military duty/orders shall be submitted to the employee's supervisor or department director within thirty (30) calendar days of the date of assignment, except in the cases of national emergency.

For purposes of paragraph A. below, an employee who is granted leave with pay will be paid only the difference between the base military pay and the employee's current City salary, provided the military pay is the lesser.

In each case, the following policy and procedures will be in effect:

A. Annual Military Training:

An employee who has been ordered to active duty for annual training, including monthly drills and service schools, shall be granted military leave. Such leave shall be with pay for up to fifteen (15) scheduled workdays per Federal fiscal year. Additional leave will be charged to accrued vacation leave, holiday leave, compensatory time, or taken without benefit of pay, at the employee's option.

B. National Emergency/War:

An employee who has been ordered to active duty for a national emergency or war shall be granted military leave.

1. **Insurance:** When an employee is called to active duty for national emergency or war, the City shall continue the reservist and his or her family on any City benefit plan(s) in which the employee participates. During such period of time, the reservist shall be responsible for paying any premiums due through payroll deduction or other arrangements made with the Office of Human Resources. Health coverage shall be continued until the reservist is covered by the Military Health Insurance Plan (i.e., CHAMPUS) - generally a period of thirty (30) days. However, if the reservist chooses, he or she may continue both individual and family coverage during active duty status provided payment of premiums is continued. In the event a reservist discontinues individual and/or family coverage during active duty, the reservist and his or her family may be re-enrolled in the City's benefits plans upon the reservist's return from active duty and presentation of a Certificate of Honorable Discharge from the United States Government, and shall not be subject to any restrictions regarding waiting periods and pre-existing conditions.
2. **Other:** Pay adjustments (i.e., across-the-board adjustment, market adjustment, etc.) may be granted during the employee's absence as if the employee was actively working.
3. **Re-employment:** Upon release from active duty, the reservist must immediately notify his or her supervisor when he or she will return to work. All reinstatement employment rights under the Veterans Re-employment Rights Law shall apply.

IX. Civil Leave

All employees may be granted time off for a reasonable period of time, to be established by the department director, during their scheduled work shift so that they may vote in national, state and local elections. This leave is only available to employees whose normal work hours would not otherwise allow them an opportunity to vote.

Civil leave with pay will also be granted when an employee is called for jury duty, or as a witness for the federal or state government or a subdivision thereof, provided documentation is provided to his or her department director for each day served. As the employee will not have his pay docked by the City while on approved civil leave, any pay received from the courts must be paid to the City. Likewise, civil leave does not apply when the duty is served at a time when the employee is not scheduled to work.

When an employee's obligation for jury or witness duty ends one hour or more from the end of that employee's normal work shift, the employee shall return to work for the remainder of his or her work shift.

While on civil leave, benefits shall accrue as though on regular duty.

Exception: An employee who is the plaintiff or the defendant in private, civil or criminal litigation shall not be entitled to paid civil leave, but may take vacation or compensatory leave or leave without pay for necessary court appearances with the approval of the department director.

X. Educational Leave

A leave of absence during regular working hours may be granted to an employee by the department director to permit an employee to take courses of study which will better equip the employee to perform assigned duties or prepare for promotional opportunities.

While on educational leave, benefits shall accrue as though on regular duty.

XI. School Support Leave

- A. Eight (8) hours of personal leave with pay will be allowed each year to regular full- and part-time employees for the purpose of attending parent/teacher conferences, volunteering or otherwise participating in the activities of schools either within the city or within the community where the employee resides. This leave is available whether or not the employee has children attending school. This leave will renew every year on July first, and may not be accumulated.
- B. An employee shall make appropriate arrangements with his/her supervisor for the use of leave pursuant to this section, and shall inform the supervisor of any request for such leave at least forty-eight (48) hours in advance.
- C. An employee may be required to furnish written verification from the school that the employee attended or was otherwise involved at the school during the time of the leave.

XII. Vacation and Sick Leave

Vacation leave shall be for personal use and may be used for sick leave when such leave is exhausted. An employee shall not use vacation leave or sick leave accrued by another employee. Vacation and sick leave is earned and used in terms of hours, not days or shifts.

XIII. Calculation of Vacation Leave and Sick Leave

- A. Vacation leave and sick leave earned by full-time or part-time regular employees having a work schedule with greater or fewer hours than forty (40) hours per workweek shall be determined in accordance with this section.
- B. The number of hours in such employees' work schedules shall be divided by forty (40) hours.
- C. The proportion obtained in step B. shall be multiplied by the number of hours of leave earned annually by employees working forty (40) hours per workweek.
- D. The number of hours in step C., divided by twelve (12), shall be the number of hours of leave earned monthly.

(continues on page 5.9)

XIV. Manner of Accumulation for Vacation Leave

Accrual rates for vacation leave are based on years of service as a regular full- or part-time City employee. This is a significant recognition of service milestones for our employees.

A. Full-time or part-time employees shall accrue vacation as follows:

<i>Years of Service</i>	Hours earned per month	Hours earned per Year	Maximum Accrual
<i>Executive 2080 Hours</i>			
Less than 2 years	10	120	240
At least 2 years, but less than 5 years	10	120	240
At least 5 years, but less than 10 years	13.33	160	320
At least 10 years, but less than 15 years	15.33	184	368
15 years and over	16	192	384
<i>FLSA Exempt 2080 Hours</i>			
Less than 2 years	8	96	192
At least 2 years, but less than 5 years	10	120	240
At least 5 years, but less than 10 years	12	144	288
At least 10 years, but less than 15 years	14	168	336
15 years and over	16	192	384
<i>FLSA Non-exempt 2080 Hours</i>			
Less than 2 years	6.67	80	160
At least 2 years, but less than 5 years	8	96	192
At least 5 years, but less than 10 years	10	120	240
At least 10 years, but less than 15 years	12	144	288
15 years and over	14	168	336
<i>Firefighters (FLSA Non-exempt) 2945.8 Hours</i>			
Less than 2 years	9.45	113.4	226.8
At least 2 years, but less than 5 years	11.33	135.96	271.92
At least 5 years, but less than 10 years	14.16	169.92	339.84
At least 10 years, but less than 15 years	17	204	408
15 years and over	19.83	237.96	475.92
<i>Police Officers (FLSA Non-exempt) 2184 Hours</i>			
Less than 2 years	7	84	168
At least 2 years, but less than 5 years	8.4	100.8	201.6
At least 5 years, but less than 10 years	10.5	126	252
At least 10 years, but less than 15 years	12.58	150.96	301.92
15 years and over	14.66	175.92	351.84

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- C. Vacation leave earned by employees having a work schedule with greater or fewer hours than forty (40) hours per workweek shall be determined in accordance with the formula set forth in Calculation of Vacation Leave and Sick Leave above.
 - D. The City Manager may authorize the adjustment of employee vacation leave balances and accrual rates at any time there is a change in workweeks in order to provide equity in the value of the vacation leave balance and future accruals.

XV. Maximum Vacation Leave Accumulation

Maximum vacation leave accrual may not exceed twice the employee's annual accrual level on January 31st of each year. Individual employee vacation accounts with more than twice the employee's annual accrual level will be adjusted back to that level on that date each year. With written approval of the City Manager, an employee may accumulate vacation up to 2.5 times his or her annual accrual rate for a special purpose.

XVI. Manner of Taking Vacation Leave

Employees shall be granted the use of earned vacation leave upon written request at times approved by the department director that will least obstruct normal operations of the department. Department directors may deny vacation leave requests based on operational necessity.

XVII. Terminal Pay; Repayment of Leave

Upon submission of a resignation, an employee may receive pay for vacation leave accumulated to the date of separation, not to exceed twice the employee's annual accrual level. (Additionally, employees approved for saving a holiday may be paid for accrued holiday hours to the date of separation, not to exceed the maximum of 160 hours of holiday leave.) For involuntary separation due to failure in performance as outlined herein, payment for leave may be withheld at the discretion of the City Manager. At the time of an employee's separation, any vacation leave owed the city shall be deducted from the employee's final compensation.

XVIII. Payment for Accumulated Vacation Leave upon Death

The estate of an employee who dies while employed by the city shall be entitled to payment for accumulated vacation leave credited to the employee's account not to exceed twice the employee's annual accrual level.

XIX. Sick Leave

Sick leave with pay is a benefit granted by the city to provide full- and part-time employees with a reasonable period of continued compensation during illness. Sick leave may be granted to an employee absent from work for any of the following reasons: personal illness, care of a member of the employee's immediate family or household with

a serious health condition, bodily injury, pregnancy or childbirth, physical or dental examinations or treatment, or exposure to a contagious disease when continuing to work may jeopardize the health of others.

XX. Manner of Taking Sick Leave

Employees shall be granted the use of earned sick leave unless such leave will obstruct normal operations of the department. If the duration of sick leave exceeds three (3) calendar days, said leave should be declared Family and Medical Leave if the controlling conditions are satisfied.

XXI. Illness in the Family

Leave from work may be charged as sick leave if the absence is due to illness of a member of the employee's immediate family or household which requires care by the employee. Up to three (3) days may be charged against an employee's sick leave balance pursuant to this section without providing a medical certification. In the event of a serious health condition, an employee may use additional leave pursuant to the section governing Family and Medical Leave.

XXII. Manner of Sick Leave Accumulation

- A. Employees working forty (40) hours per workweek shall accrue sick leave as follows:

Hours earned per month	Total hours per year
8	96

- B. Employees having a work schedule with greater or fewer hours than forty (40) hours per workweek shall accrue sick leave in accordance with the formula set forth above in Calculation of Vacation Leave and Sick Leave, except that fire officers shall accrue sick leave on the basis of a work schedule of sixty (60) hours per workweek.
- C. The City Manager may authorize the adjustment of employee sick leave balances and accrual rates at any time there is a change in workweeks in order to provide equity in the value of the sick leave balance and future accruals.

XXIII. Sick Leave Advances

The City Manager may, with the recommendation of the department director and the Human Resources director, advance sick leave to a full-time or part-time regular employee in good standing who has exhausted sick leave because of a major operation, illness or injury occurring on or off the job. Advanced sick leave shall not provide more

than ninety (90) days off the job. During any period of advanced sick leave, the employee will not accrue additional sick leave, vacation leave, or holiday leave. At the time of an employee's separation, any sick leave owed to the city shall be deducted from any final compensation.

XXIV. Maximum Accumulation of Sick Leave

Sick leave shall accumulate with no maximum, and may be used as credit for service under the North Carolina Local Governmental Employees' Retirement System and/or Law Enforcement Officers' Retirement System.

XXV. Medical Certifications

- A. The department director or designee may require from an employee a physician's certification concerning the nature of the illness or injury and the employee's physical or mental capacity to resume or continue duties for each occasion on which the employee uses sick leave.
- B. When the employee provides a medical certification in support of any leave provided for in this article for injury or illness of the employee, a fitness-for-duty certification may be required upon the employee's return to work.
- C. A medical certification may be required of an employee in support of an FMLA leave due to an employee's personal illness or injury, or for the employee to care for a seriously ill member of the employee's immediate family or household.
- D. When a medical certification is required in support of a request to take a leave under the FMLA, the employee shall have fifteen (15) days to provide the certification, unless the leave is due to a medical emergency, in which case it shall be provided as soon as possible.
- E. All medical certifications and medical information are considered to be *confidential information*. Therefore, they are not subject to release to the City of Wilmington without authorization.

XXVI. Transfers of Sick Leave Credits

A full-time or part-time regular employee who at the time of initial employment with the City had an unused sick leave balance with another governmental agency that participates in the North Carolina Local Governmental Employees' Retirement System or Law Enforcement Officers' Retirement System may transfer a portion of such sick leave credits to the City of Wilmington. Upon receipt of certified written confirmation of sick leave balances, the following provisions shall apply:

- A. A maximum of 240 hours may be transferred.
- B. The transferred leave may be credited to the employee's account only after the employee completes his or her probationary period.
- C. No portion of the transferred leave may be used in calculating terminal pay for sick leave.

XXVII. Terminal pay for Sick Leave

A full-time or part-time regular employee in good standing who has at least five (5) years of continuous service upon termination may, upon the authorization of the City Manager, be paid for 25% of unused sick leave. If sick leave is being accrued at a rate other than the rate of the then current workweek, payment shall be computed using the appropriate hourly rate of pay for that accrual rate.

Any sick leave transferred into an account from another government employer under the preceding section shall be subtracted from the terminal balance **before** the calculation is made to determine the amount of terminal pay for sick leave.

XXVIII. Previous Leave Credits

Sick leave credits accumulated by each City employee shall be retained as of the effective date of the ordinance or policy on which this section is based.

XXIX. Administrative Leave

Employees who are engaged in official City business outside the scope of normal duties and responsibilities, but within the regular duty hours for the employee, may appropriately charge such time to Administrative Leave. Examples of the appropriate use of this leave may include attendance at professional conferences, training and career development activities, periods involved as subject of an internal investigation and “loaned executive” activities, subject to the approval of the department director.

Unlike other types of paid leave, Administrative Leave counts as “hours worked” for the purpose of calculating the City’s liability to the employee under the overtime provisions of the Fair Labor Standards Act (FLSA). Administrative Leave is not intended to provide compensation to employees of the City of Wilmington in excess of that which the employee would receive for regularly scheduled hours.

XXX. Inclement Weather Leave.

During a period of weather emergency, the City Manager may elect to close City offices. Under such inclement weather conditions, the City Manager may declare that full- and part-time employees shall be eligible to receive Inclement Weather Leave for regularly-scheduled work days during which City offices are closed for all or a portion of the day. The City Manager, at his or her sole discretion, will determine the period(s) of time employees may be eligible for such leave. Inclement Weather Leave will not be considered “hours worked” and, therefore, cannot be counted toward the City’s liability for overtime compensation.

Personnel Policy #8**Effective Date:** 05/01/99**Supercedes:** 05/18/98**City Manager:**

I. Purpose

As a component of a comprehensive compensation package, the City of Wilmington provides an array of competitive employee benefits. These benefits include a healthcare plan for employees and eligible dependents, life insurance, accidental death and dismemberment, long-term disability, and multiple retirement plans.

II. Insurance

The City makes life and disability group insurance programs available to regular full- and part-time employees as authorized by the City Council. An employee may supplement or extend coverage as allowable under the City's contracts with payroll deductions.

III. Health Care

The City makes programs for providing healthcare, funded and administered as approved by the City Council, available to regular full- and part-time employees and their eligible dependents.

IV. Retirement Benefits

The City makes a retirement plan through the North Carolina Local Governmental Employees' Retirement System (NCLGERS) or Law Enforcement Officers' Retirement System (NCLEO) available to all regular full- and part-time employees. Participation in the plan is mandatory with the cost shared by both the employee and the City. Employees planning retirement should notify their department director ninety (90) days prior to the date of retirement. Details of the retirement program shall be provided to each participating employee.

All regular full- and part-time employees working 1000 hours or more annually are required to join the NCLGERS or NCLEO retirement plan as appropriate.

V. Old Age and Survivor's Insurance (Social Security)

The City, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees and employee groups and classes of such employees. Eligible employees must participate in the Social Security benefits program at the time of employment. Both the City and the employee share the costs for this benefit.

VII. Workers' Compensation

The City covers all employees with worker's compensation insurance as required by the General Statutes of North Carolina. The City supplements payments by this coverage with Injury Leave.

VIII. Unemployment Insurance

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978. City employees who are laid off or released from City service may apply for unemployment compensation through the local office of the Employment Security Commission, which will determine the employee's eligibility for this benefit.

IX. Law Enforcement 401k and Separation Allowance

The City provides a contribution to a 401k plan for active, sworn law enforcement personnel. The City provides a monthly separation allowance to retired law enforcement officers as required in Chapter 143, Article 12E and Article 12D of the General Statutes of North Carolina.

X. Enhanced 457 Plan for Firefighters

Effective January 5, 1998, the City provides an employer match not to exceed three (3) percent of salary to the individual 457 retirement account of every active firefighter. Effective July 5, 1998, the City provides a direct contribution to the individual 457-retirement account of every active firefighter equal to three (3) percent of salary. (The City specifically reserves the right to modify this benefit if mandates from the State or Federal governments modify the retirement benefits available to firefighters.)

XI. Deferred Compensation

In addition to the provisions for deferred compensation in paragraphs VIII and IX above, the City provides to all employees two retirement plans for voluntary participation. The 401(k) plan is administered by contract for the State of North Carolina. The 457 plan is the City of Wilmington's plan administered by contract by the ICMA Retirement Corporation.

Employees may establish individual accounts with either or both plans through payroll deduction.

The City may elect to make direct contributions to deferred compensation accounts on behalf of employees subject to the approval of City Council.

XII. Incentives and Awards

The City Manager is authorized to establish reward programs that recognize suggestions and act as incentives in promoting efficiency and productivity.

XIII. Service Awards

All full- and part-time employees are eligible to receive a service award based on years of service with the City. The City establishes benchmark years at each year evenly divisible by five.

XIV. Training

The City Manager may establish programs for the development of on-the-job, technical, and advanced training. Such programs shall provide opportunity for personal and career development without regard to age, sex, race, color, creed, religion, national origin or disability.

IV. Personnel Policy #9

Effective Date: 05/30/03

Supersedes: 05/01/99

City Manager:

I. PURPOSE

To provide a safe, healthy, drug and alcohol free workplace free from the recognized hazards of abuse of controlled substances and/or alcohol that may cause death, serious injury or physical harm to its employees and/or impact the safe delivery of services.

The Substance & Alcohol Abuse Program provides for:

- Education of employees, training of supervisors to recognize reasonable suspension, performance or behavioral problems and the process for taking appropriate action;
- Testing for controlled substances and alcohol in a pre-employment, post-accident, reasonable suspicion, random, and follow-up testing, where appropriate, and following prescribed requirements and procedures for CDL testing as prescribed by the DOT; and
- Treatment and rehabilitation in a rehabilitation program acceptable to the City, for employees who notify the City of an abuse problem prior to being discovered as an alternative to job loss.

This policy covers applicants for vacant positions and all City employees to include temporary employees, contract employees and volunteers. Any employee violating the prohibitions or any of the specific provisions contained herein will be dismissed.

Under federal guidelines, certain classes of employees, who by the nature of the job, are subject to special actions. For the City of Wilmington, this includes Public Health and Safety (PHS) and employees covered by the Federal Transportation Administration regulations and employees in safety sensitive positions.

The City reserves the right to search employer-owned items used by the employee (i.e., desks, lockers, City vehicles/ equipment, etc.) and employees should not expect privacy in these containers. Law enforcement officials and department directors will be notified in appropriate cases.

II. GENERAL POLICY

A. Unacceptable Conduct

Examples of substance and alcohol abuse-related behaviors strictly prohibited by the City and which will result in termination from City employment include, but are not limited to:

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- Violation of the North Carolina Controlled Substance Act, the North Carolina Toxic Vapors Act or the US Controlled Substance Act; or
 - A positive alcohol test indicates a blood alcohol level of .02 or higher; or
 - A positive test for a controlled substance, or
 - Abuse of a non-controlled substance that results in positive test for the substance; or
 - Failure to notify appropriate supervisor or department director within five (5) days of any charge or arrest for any alcohol- or drug-related crime; or
 - The refusal to submit to a test or authorize the release of the test results to the City for controlled substances or alcohol under the terms of this policy; or
 - Evidence of tampering with a substance or alcohol test being administered by or for the City.

B. Program Outline

The City of Wilmington hereby establishes a program to provide a controlled substance and alcohol abuse-free workplace for all employees. The program shall provide for:

- Establish testing for all employees, specific testing compliance with FTA/DOT regulations for applicable employees and specific testing for Public Health and Safety Employees.
- Provide periodic training for all employees on the dangers of controlled substance and alcohol abuse, the City's expectations for employees, testing procedures, rehabilitation and penalties. All regular full- and part-time employees will receive information during new employee orientation. Refresher training will be conducted on an as-needed basis. Representatives of the contracted Employee Assistance Program may provide this training.

Supervisory employees will receive additional periodic training on the administration of the Controlled Substance and Alcohol Abuse Policy, including recognizing performance or behavioral problems related to abuse, testing, rehabilitation and the taking of appropriate disciplinary action when necessary. Representatives of the contracted Employee Assistance Program may provide this training.

C. Responsibilities

Department Directors shall be responsible for administering the Controlled Substance and Alcohol Abuse Policy and for holding supervisors accountable for daily implementation of the policy. Department Directors, or his/her designated subordinate supervisors, shall also be responsible for identifying abuse related behavioral and performance problems; following the proper referral for testing, counseling and/or rehabilitation; and the taking of appropriate disciplinary measures when necessary.

The City expects employees to report for work and perform their jobs in a sober condition; free of any controlled substances or alcohol; or abuse of any legal or prescribed drugs including over the counter medication.

Employees shall inform supervisors of the use of prescribed medication or over the counter medication that may impair their ability to perform work and shall seek counseling, treatment or rehabilitation when there is use or dependency of a controlled substance. Supervisors shall safeguard any confidential medical information provided by an employee; limit disclosure and use of this confidential information to only appropriate business actions.

Employees are hereby notified that if suspected of having a dependency on or of using controlled substances, alcohol or the abuse of over the counter medication in violation of City policy, they must submit to testing. Failure to do so, or to violate any other provisions of the City's policy on Controlled Substance and Alcohol Abuse, shall be grounds for dismissal. Also, any adulteration of a test will be grounds for dismissal.

D. Employee Rehabilitation

Any full- or part-time employee who voluntarily notifies his supervisor of a dependency will be treated as follows:

Upon being placed in an agreed to certified rehabilitation program, which requires the employee to be absent from his duties, the employee will be granted leave for medical reasons in accordance with City policy on leaves of absence. Return to employment will be authorized upon certification to the Department of Human Resources of successful completion of the program.

Reinstatement will be conditional upon consent for random follow-up controlled substance or alcohol re-testing for a period of two (2) years. Reinstatement will take into consideration the best interest of public safety, of other employees, the overall best interest of the City and the interest of the employee being rehabilitated. Positive results on a re-test will result in immediate dismissal with no opportunity for re-employment.

E. Off the Job Offense

Any employee arrested for a drug or alcohol related offense must notify his supervisor within five (5) days of the arrest and will be placed on an unpaid suspension for a period of time to determine appropriate action in accordance with existing procedures and policies. Such employee may be required to submit to substance testing as defined herein.

F. Definitions

Special Classifications of Employees: Public Health and Safety (PHS) employees shall be those sworn employees of the Fire and Police Departments and those employees assigned to Water Treatment and Wastewater Treatment in the Public Utilities Department who are responsible for testing or treatment of raw or wastewater.

Additionally, anyone who operates, maintains, or provides direct supervision of the operation or maintenance of any vehicle that requires a Commercial Driver's License (CDL) is subject to the FTA/DOT guidelines for substance abuse testing

III. GENERAL PROCEDURES FOR ALL EMPLOYEES

A. Testing may include, but is not limited to, urinalysis, breath-analysis or blood sampling.

B. Positive results for controlled substances or alcohol will result in dismissal. The Department Director may place a current employee on administrative leave pending the final results of testing. Assisting or tampering with a testing procedure will result in dismissal of an employee or withdrawing of a conditional job offer to an applicant. A positive drug test shall result in termination of the employee or withdrawing of a conditional job offer to an applicant. The results of a confirmation test will be considered final. An employee/applicant may request to have the original sample re-tested at his expense.

1. Alcohol Test: A negative test for alcohol will indicate that the employee has a blood alcohol level of less than .02. A positive test on approved testing equipment or a blood test will indicate a blood alcohol level of .02 or higher

2. Controlled Substance: Any evidence of or positive result will indicate the presence of controlled substances. The Medical Review Officer (MRO) will review a positive test for controlled substances prior to reporting to the City. An employee may request, at his/her own expense, a confirmation test of the sample. The City's medical provider will arrange for testing of the split sample.

C. Conditions and Procedures for Testing

1. Pre-employment. Applicants for City jobs will be notified in writing at the time of application that they are subject to alcohol and drug testing post conditional offer for employment. Human Resources will schedule the applicant for pre-employment testing to be conducted in conjunction with the initial physical examination of applicants conditionally accepted for employment. Testing will be for controlled substances, alcohol and over the counter medication abuse. A confirmed positive test result in withdraw of a conditional job offer to an applicant and denying future employment. All testing for this policy shall be administered in accordance with contractual arrangements with an accredited laboratory/ health care provider.

2. Testing as a result of "*Reasonable suspicion*." All City employees are subject to testing as a result of behaviors that lead a supervisor to have reason to suspect controlled substance or alcohol usage, or abuse of over the counter medication. Such testing will be conducted when a supervisor has reason to suspect that an employee's ability to perform his job safely and efficiently is impaired. Under this condition, an employee's refusal to submit to testing or to allow the City access to the test results will result in dismissal. The following guidelines will apply:

Supervisors should remain alert to instances of substandard performance and/or personal conduct. Documentation shall be kept and brought to the attention of the employee, without making any accusations of substance or alcohol abuse.

Reasonable suspicion is a set of specific and articulable facts which, taken together with rational inferences from those facts, would lead a supervisor to believe that an employee is on duty under the influence of controlled substances, alcohol, or over the counter medication. Such factors may include, but not be limited to, one or more of the following:

- Direct observation of drug or alcohol abuse and/or the physical symptoms of being under the influence; or
- Abnormal or erratic behavior at work, a pattern of absenteeism, tardiness or deterioration in performance; or
- A report of substance or alcohol use provided by reliable and credible source; or
- Evidence of tampering with a substance or alcohol test being administered by or for the City; or
- Any employee involved in an accident resulting in injury to persons or property damage or
- Evidence an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on the job or operating City vehicles or other equipment; or
- An employee's admission of substance abuse.

When there is reasonable suspicion, the department director or his designee shall:

- Confront the employee privately about the performance/ behavioral issues, stating suspicions, and allow the employee to reasonably explanation performance or behavior. A second party, preferably a supervisor, will be present.
- If there is *reasonable suspicion* or the employee is obviously "under the influence," the supervisor will transport the employee to the appropriate testing facility designated by the City. The sample should be taken as soon as practical from the time the employee is suspected.
- An employee subject to reasonable suspicion testing will be immediately placed on non-disciplinary suspension pending a final determination. A positive test result will result in termination.
- If an employee is observed using a suspected substance, the supervisor may demand that the employee surrender item related paraphernalia. If the employee makes a credible claim that the suspected substance is prescribed medicine, employee will be transported to the appropriate testing facility for confirmation.

Any employee who is unable to drive safely or is in need of medical assistance will be transported to a medical facility or to his or her home, as appropriate. If the employee refuses, employees will be advised that local law enforcement authorities will be notified that an employee who seems to be "under the influence" is trying to leave the premises.

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- 3. Post-accident Testing** The City will conduct a post-accident test of a City employee when the employee is charged as the responsible party in an accident occurring while operating City equipment or vehicles resulting in injury to persons or property damage in excess of \$1000. Employees involved in other industrial accidents may also be tested. When the accident occurs the Supervisor is responsible for transporting the employee to the appropriate testing facility designated by the City. The sample should be taken as soon as practical from the time the employee has the accident.
 - 4. Follow-up Drug Testing** The City reserves the right to conduct unannounced follow-up tests on any employee who has been conditionally returned to duty after having previously been approved and successfully completed a rehabilitation program. When the City determines that a follow-up test will be performed, the Supervisor will be informed and is responsible for transporting the employee to the appropriate testing facility designated by the City. The sample should be taken as soon as practical from the time the Supervisor is notified.

IV. RANDOM TESTING FOR FTA & DOT EMPLOYEES

A. Random Testing The City shall conduct random testing by job classification for employees covered by the FTA/DOT guidelines. Random testing will be conducted throughout the year on an unannounced basis. Employees in job classifications covered by the FTA/DOT regulations will follow applicable FTA/DOT test guidelines. The Human Resource Director shall periodically throughout the year randomly select for testing employees covered by FTA/DOT guidelines. The Human Resource Director will confidentially notify the employee's Department Director that specific employees should be tested. The Department Director will ensure that the selected employee is transported in a timely manner to the appropriate testing facility designated by the City.

1. Random Testing –Alcohol The City will conduct random alcohol testing by job classification for employees covered by the FTA/DOT guidelines following applicable FTA/DOT test guidelines. Employees will be tested on approved test equipment. A negative test for alcohol will indicate blood alcohol level of less than .02. A positive test will indicate a blood alcohol level of .02 or higher. Should the employee request a blood test to confirm the results, this will be arranged at his/her expense through an appropriate hospital, outpatient facility or City medical provider.

2. Random Testing-Controlled Substances The City will conduct random controlled substance testing by job classification for employees covered by the FTA/DOT guidelines following applicable FTA/DOT test guidelines. The Medical Review Officer (MRO) will review a positive test for controlled substances prior to reporting to the City. An employee may request, at his/her own expense, a confirmation test of the sample. The City's medical provider will arrange for testing of the split sample.

V. RANDOM TESTING FOR PUBLIC SAFETY AND HEALTH EMPLOYEES

A. Random Testing The City shall conduct random testing by job classification for employees defined by City policy as Public Safety and Health Employees. Random testing will be conducted during the year on an unannounced basis. Employees in job classifications covered by the Public Safety and Health definition will follow the testing protocol established with the City's healthcare provider. The Human Resource Director shall periodically throughout the year randomly select for testing employees covered by definition of Public Safety and Health Employees. The Human Resource Director will confidentially notify the employee's Department Director that specific employees should be tested. The Department Director will ensure that the selected employee is transported in a timely manner to the appropriate testing facility designated by the City.

1. Random Testing –Alcohol The City will conduct random alcohol testing by job classification for employees defined by City policy as Public Safety and Health Employees. Employees will be tested on approved test equipment. A negative test for alcohol will indicate a blood alcohol level of less than .02. A positive test will indicate a blood alcohol level of .02 or higher. Should the employee request a

blood test to confirm the results, this will be arranged at his/her expense through an appropriate hospital, outpatient facility or City medical provider.

- 2. Random Testing-Controlled Substances** The City will conduct random controlled substance testing by job classification for employees covered by the definition of Public Safety and Health and following the established protocol with the City's Healthcare Provider. The Medical Review Officer (MRO) will review a positive test for controlled substances prior to reporting to the City. An employee may request, at his or her own expense, a confirmation test of the sample. The City's medical provider will arrange for testing of the split sample.

Personnel Policy #11**Effective Date:** 05/01/99**Supercedes:** 05/19/98**City Manager:**

II. Purpose

The City of Wilmington makes an investment in its employees. This policy outlines the conditions under which employees are separated from active service with the City. Additionally, this procedure provides for the re-instatement of employees where such re-instatement is determined to be in the best interest of the City.

II. Types of Separation

All separations of employees from full-time or part-time regular positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated in this policy: resignation, retirement, reduction in force, disability, death, or dismissal.

In all cases, final pay shall be reduced for charges for equipment, uniforms, etc. that have not been paid for or returned.

III. Resignation

An employee who desires to terminate his employment with the City must give written notice to his immediate supervisor two (2) weeks prior to his last intended day of employment. An employee who fails to provide adequate notification will be given an unsatisfactory rehire status unless the failure is due to circumstances beyond the employee's control.

An employee who is absent from work for three (3) consecutive work days (or shifts where applicable) without authorization and/or the approval of to his supervisor shall be considered to have voluntarily resigned and shall be removed from City service.

IV. Retirement Age

An employee who meets the conditions set forth under the provisions of the North Carolina Local Governmental Employee's Retirement System or the North Carolina Law Enforcement Officers' Retirement System may retire and receive all benefits earned under the retirement plan.

Mandatory retirement at age sixty-five (65) shall be maintained for officers in the Fire and Police Departments in classifications performing physical work and whose primary responsibilities are not supervision, discipline, communications, or training. There shall

be no retention beyond the age of sixty-five (65) for employees in the classification of Fire Captain, Fire Lieutenant, Fire Engineer, Fire Fighter, Police Officer, Police Sergeant, and Police Lieutenant.

V. Reduction in Force

An employee may be terminated when a reduction in force becomes necessary.

In the event that a reduction in force becomes necessary, the City Manager shall first consider the needs of the City in determining those employees to be retained. Consideration will then be given to the skills and abilities and past performance of the employees within the work unit. Finally, consideration will be given to seniority within the unit affected.

Full- and part-time employees who are laid off because of reduction in force shall be given at least two (2) weeks notice of anticipated lay-off. No full-time or part-time regular employee shall be separated while there are temporary employees serving in the same class in the department, unless the full-time or part-time regular employee is not willing to transfer to the position held by the temporary employee.

VI. Disability

A full- or part-time employee may be separated for disability when the employee does not meet performance standards because of a physical or mental impairment. The employee or the City may initiate such action, but in all cases it shall be supported by medical evidence as certified by a competent physician. The City may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the City's service for which the employee may be suited.

VII. Death

Separation shall be deemed effective as of the date of death. All compensation due shall be paid in accordance with the Personnel Policy to the estate of a deceased employee.

VIII. Dismissal

An employee may be involuntarily dismissed in accordance with the provisions and procedures of the City Personnel Policy.

IX. Reinstatement

This policy establishes a means for re-employing a former regular full- or part-time employee of the City of Wilmington to the *same* job, *same* job classification, or *same* classification series. Reinstatement is granted at the discretion of the City. A decision to reinstate a former employee is based on the City's need for the knowledge, skills, abilities

and experience of the former employee. Any other relevant factors regarding the former employee will also be considered before an offer to reinstate a former employee is made.

X. Process

Former City employees who left in good standing who wish to be considered for reinstatement must submit a written request to the Director of Human Resources.

The City will not retroactively consider the issue of reinstatement. Consideration for reinstatement shall only be given during the process of re-hire. Employees who are re-hired by the city who fail to make a request for consideration for reinstatement at the point of hire shall not be granted reinstatement subsequently.

Reinstatement benefits will be granted to a re-employed employee only one time.

Reinstatement will be based upon the availability of vacant positions and the needs of the City. Reinstatement to employment does not guarantee a former employee a position at the same classification level or pay he or she formerly occupied.

Only the City Manager shall approve requests by former employees for reinstatement. If reinstatement is granted, the former employee must meet the minimum qualifications for the position into which he or she is appointed. He or she must also be able to perform all the essential functions of the position.

In cases where Federal regulations relating to returning veterans require additional benefits or additional consideration, the City shall abide by the Federal regulations.

XI. Benefits Determination

For employees who are granted reinstatement following a break in service, the following benefits will be reinstated *without regard to the length of the break in service*:

Retirement:

The employee will immediately be enrolled in the appropriate branch of the North Carolina Retirement System. Deductions for retirement begin with the employee's first paycheck.

Life Insurance, Accidental Death & Dismemberment, and Long Term Disability Insurance:

If the employee's break in service is less than 30 days, benefits will continued uninterrupted. If the break in service were more than 30 days, coverage would be effective on the first day of the month following 30 days of employment following reinstatement.

Service Awards:

Former employees would be eligible for service awards based on the combination of prior and returned service. Awards would be presented based on the most recent date-of-hire.

Performance Pay:

Former employees would be eligible for consideration for performance increases based on the adjusted-date-of-hire.

For employees who are granted reinstatement following a break in service of ***one calendar year (365 days) or less***, salary and benefits will be reinstated as follows:

Salary:

The employee will be paid the same salary held prior to the separation *plus* any applicable cost-of-living increases. However, if he or she fills a vacancy at a pay grade lower than his or her former pay grade, a salary recognizing individual education and experience and adjusted for internal equity will be applied.

Healthcare Coverage:

Former employees who are reinstated prior to termination of healthcare coverage or continuation coverage under the city plan (COBRA) would be eligible for immediate continuation of the existing coverage for city employees.

However, for those employees who are reinstated with a lapse in coverage (for whatever reason), eligibility for coverage would resume on the first day of the month following thirty days of employment following reinstatement.

Sick Leave:

All unused sick leave available at the time the employee separated *except that for which the employee had been previously paid* will be reinstated at the time the employee returns to work with the City of Wilmington.

For employees who are granted reinstatement following a break in service of ***more than one calendar year (365 days)***, salary and benefits will be reinstated as follows:

Salary:

The employee will be paid at the effective minimum rate of pay unless training and/or experience exceed the requirements of the position. In such cases, the department director in conjunction with Human Resources will determine a rate of pay that recognizes education, experience and internal equity within the department.

Healthcare Coverage:

Former employees will be eligible on the first day of the month after completion of one full calendar month of returned service.

Sick Leave:

None of the unused sick leave available at the time the employee separated will be reinstated at the time the employee returns to work with the City of Wilmington.

XII. Notification

When a former employee is granted reinstatement, the Human Resources Department shall prepare a letter documenting the specific reinstated benefits in conjunction with or in addition to the normal job offer letter.

I. Purpose

The purpose of the harassment/discrimination policy is to affirm that the City does not tolerate discrimination on the basis of race, religion, color, national origin, sex, veteran status or disability in terms and conditions of employment and the delivery of services. This policy covers both sexual/racial harassment and other forms of discrimination that may lead to a violation of Federal, State or local laws. Employees share in the responsibility for preventing and reporting sexual/racial harassment and other forms of discrimination in the work place. Complaints of sexual/racial harassment and other forms of discrimination are not reported through the employee's normal chain of command, but instead should be reported directly to the Human Resources Department.

II. Discrimination

The City does not discriminate on the basis of race, religion, color, national origin, sex, age, veteran status or disability in the terms and conditions of employment or in providing services. Discrimination is a violation of Federal, State and local law is unacceptable conduct and will not be tolerated at the City of Wilmington.

Both sexual and racial harassment are forms of discrimination.

III. Sexual Harassment

Sexual harassment is a form of discrimination and is unacceptable conduct. Sexual Harassment will not be tolerated at the City of Wilmington. Sexual Harassment is defined as:

- unwelcome sexual advances;
- unwelcome request for sexual favors; or
- other unwelcome verbal or physical conduct of a sexual nature directed toward an employee when submission to, or rejection of, this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment; or
- pictures, jokes, paraphernalia or other items and behaviors in the work place that some other individual believes to be offensive and unreasonably interferes with an individual's work performance; or creates an intimidating, hostile or offensive work environment

Employees who believe they have been subjected to sexual harassment should object to the conduct at the onset in an attempt to immediately stop the behavior. Single incidents of harassment, as well as when the harassment conduct persists, should be reported to the Human Resources Department.

V. IV. Reporting Harassment or Discrimination

In the event an employee believes that he or she has been subjected to sexual/racial harassment or other forms of discrimination, the employee should immediately report the incident directly to the Human Resources Department. The reporting of these incidents does not follow the employee's normal chain of command. However, the employee may choose to do so and report sexual/ racial harassment or other forms of discrimination to his or her supervisor or department director. The department director or supervisor should immediately contact the Human Resources Department and refer the incident to the Human Resources Department for investigation. The issue also may be reported to the City Attorney or the City Manager.

If any supervisor becomes aware of a complaint/concern of sexual/racial harassment or other forms of discrimination, he should immediately report the incident to the Human Resources Department for investigation. Even if no one lodges a formal complaint, but a supervisor is aware of incidents or issues that

may lead to a charge of sexual/racial harassment or other forms of discrimination, he should report these incidents or issues to the Human Resources Department for investigation.

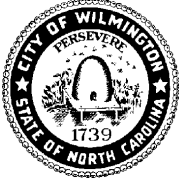
V. Investigating Incidents

Upon notification, the Human Resources Department will immediately investigate the incident and report the findings to the City Manager. The City cannot guarantee confidentiality of the issue, but will investigate and maintain all information in as confidential a manner as possible. The City will not retaliate against an individual for lodging a complaint, nor tolerate any retaliatory behavior toward a complainant by a City employee.

VI. Remedy of the Incident

Upon completion of the investigation of the incident, the City Manager will make a determination of appropriate remedial action to be taken. Appropriate actions will be taken against individuals found to have engaged in sexual/ racial harassment or other forms of discrimination.

If an employee engages in sexual/racial harassment or other forms of discriminatory practices, he or she will be subject to appropriate formal discipline, up to and including dismissal. Discipline for sexual/racial harassment or other forms of discrimination may not follow the prescribed progressive discipline process. Documentation of discipline for sexual/racial harassment or other forms of discrimination will remain in the employee's employment file and are not subject to deactivation as allowed for in the progressive discipline policy.



1. ADMINISTRATIVE POLICY

a) City of Wilmington

EFFECTIVE DATE: 2.09.2004	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: 101
SUBJECT: Appropriate Use of Public Funds Policy		

b. PURPOSE

The City of Wilmington Appropriate Use of Public Funds Policy is established so that employees are fully aware of the standards that govern and regulate how public funds are used. This standard is predicated on each City employee assuming the personal responsibility for and stewardship over their access and use of City funds via procurement/credit cards, petty cash, purchase orders, or requests for checks.

c. SCOPE

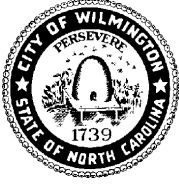
This policy provides standards expected to be observed by all employees who have or use procurement/credit cards, petty cash, purchase orders, or requests for checks in the course of their duties and responsibilities. A department may adopt a more restrictive policy with the approval of the City Manager.

d. POLICY

VI. Standards of Appropriate Use of City Funds

- 1.0 All employees of the City of Wilmington are subject to this policy as part of its core values of service, professionalism and integrity.
- 1.1 This policy applies to, but is not limited in its scope, to the use of all city credit/procurement cards, petty cash, purchase orders, and requests for checks by any employee of the City of Wilmington.
- 1.2 All revenues received by the city are by definition public funds and therefore restricted in their use to expenditures that provide goods and services intended for the public good of its citizens as prescribed statutorily in the North Carolina Local Government Budget and Fiscal Control Act (N.C.G.S 159, Art. 3).
- 1.3 City credit cards and/or petty cash are provided as a convenience for the user in making travel arrangements, small purchases such as repair parts, books, hardware, supplies or from vendors that do not accept purchase orders.
- 1.4 At no time should any item stocked at the City Warehouse be purchased unless it is an emergency and the warehouse is closed.

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- 1.5 City credit/procurement cards are not to be used for any type of recurring monthly charge.
 - 1.6 With the exception of ITS, the purchase of computer hardware and software is not allowed using city credit/procurement cards, petty cash, or check requests.
 - 1.7 City funds are not to be used to pay for personal expenses or social activities of the department including decorations, holiday parties, or birthday celebrations. Such inappropriate expenditures are not approved or budgeted uses of public funds and therefore will not be accepted as authorized expenses for city credit cards, petty cash or as reimbursements through a request for check.
 - 1.8 Reasonable expenditures are allowable for retirement events for employees with 20 or more years of service.
 - 1.9 Any unauthorized use of public funds will be the responsibility of the individual who incurred the expense.
 - 1.10 This policy does not replace, but is concurrent to, other purchasing processes and/or departmental policies that may be in effect.



1. ADMINISTRATIVE POLICY

a) City of Wilmington

EFFECTIVE DATE: 02.09.2004	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: 102
SUBJECT: Department Directors Serving In Community Organizations		

b. 1.0 PURPOSE

This City of Wilmington policy is established so that department directors are fully aware of the standards that govern and regulate their involvement in community organizations. We are an organization dedicated to providing quality services that enhance the safety, livability, and prosperity of our community. We recognize that this critical mission in our work life can take many forms in the community and can also extend into our personal lives.

c.

d. 2.0 SCOPE

This policy provides guidelines to use in determining a department director's involvement in community organizations and whether or not that involvement should include the use of city resources including time and money. A department director must have approval of the City Manager for any involvement involving the use of any city resources.

e.

f. 3.0 POLICY

3.1 Voluntary involvement in community organizations is strongly encouraged for department directors and will reflect positively in the employee's evaluation for those who choose to continue to make a positive impact in the community on the individual's personal time provided:

3.1.1 No conflict of interest exists.

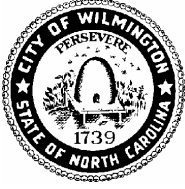
3.1.2 The organization does not discriminate in membership.

3.2 Community involvement may be approved to include the use of city resources in the following circumstances:

3.2.1 The involvement of the department director is a direct benefit to the city and the involvement falls appropriately within the job description of the director.

3.2.2 A positive cost-benefit can be determined weighing the cost of membership fees and on-going participation, materials, etc. and the costs of lost productivity due to length of time away from the office, against the benefits to the city of having the director involved.

3.2.3. The involvement is approved in the budget.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: <i>12.20.2004</i>	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: VII. 105
SUBJECT: <i>Americans with Disabilities Act</i>		

1.0 Purpose

The City of Wilmington, North Carolina is committed to implementation of the Federal Americans with Disability Act (ADA) which was signed into law on July 26, 1990.

No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination; be excluded from participation in, or be denied the benefits of the services, programs or activities of the City. Nor shall any such individual be subject of discrimination in employment, either directly or through contractual arrangements entered into by the City.

2.0 COORDINATION

The City Manager's Office, City Hall, Post Office Box 1810, 102 North 3rd Street, Wilmington, North Carolina, telephone 910.341.7810, coordinates ADA compliance activities, inquiries, accommodation requests and complaints through the ADA Compliance Officer and the ADA Coordinator.

3.0 COMPLIANCE ACTIVITIES

3.1 An ADA Transition Plan is available for inspection and comment at the City of Wilmington, North Carolina City manager's Office cited above. These are working documents, continuously being refined and revised.

3.2 The City Manager shall appoint an ADA Compliance Officer and an ADA Coordinator and the duties of these appointments shall be performed in addition to any other duties assigned to the incumbents.

4.0 INQUIRIES

ADA inquiries may be made at the City of Wilmington, North Carolina City Manager's Office cited above. A list of Compliance Officers for other municipalities within New

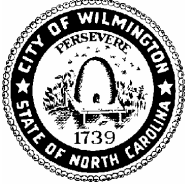
Hanover County is also available so that individuals can be directed to appropriate persons at the local government level.

5.0 ACCOMMODATION REQUESTS

- 5.1 Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by the City should contact the City of Wilmington, North Carolina City Manager's Office cited above.
- 5.2 Any employee who wishes to request a reasonable accommodation in order to perform the essential duties of his/her job should contact the Human Resources director.

6.0 GRIEVANCE/COMPLAINT PROCEDURE

- 6.1 Any individual who wishes to file a complaint with the City that alleges noncompliance or any actions that would be prohibited by this policy or by the Americans with Disabilities Act should contact the City's ADA Coordinator, cited above, to request a Complaint Form. It is unlawful for any form of retaliation or coercion to take place against any complainant, witness or person involved directly or otherwise following the filing of a complaint.
- 6.2 There are two forms: one for service, program or activity issues, one for employment issues. The ADA Coordinator will forward the complaint to the ADA Compliance Officer, who will monitor the timeliness of subsequent review, investigation and report to ensure a response to the complainant, in most cases within forty-five (45) days of receipt of the complaint. In the event that the response will take longer than forty-five (45) days, the complainant will be notified.
- 6.3 Any City employee who wishes to file a complaint under the ADA against the City should avail himself of the provisions of Administrative Policy #207, Employee Grievance.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: 04.12.04	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: VIII. 201
SUBJECT: <i>Personnel Administration</i>		

1. PURPOSE

The purpose of this policy is to establish a personnel system that will provide a basis to recruit, select, develop, and maintain an effective and responsible work force. It is the purpose of this policy to promote efficiency and responsible work operation of the government and to promote good performance and exemplary personal conduct compatible with the trust inherent in public service.

It is the purpose of the Personnel Policy to establish a fair and uniform system of personnel administration.

This policy is established under authority of North Carolina General Statutes Chapter 160A, Section 7, and the City Charter. Nothing herein shall be construed to create an express or implied contract of employment and no property rights or entitlements shall be inferred from any provision of this policy. The City reserves the unilateral right to amend, rescind and otherwise modify any term or provision hereof.

1.0 EMPLOYEES SUBJECT TO POLICY

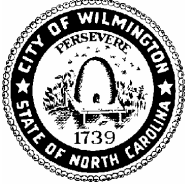
Unless specifically stated, the provisions of this policy apply to all employees of the City of Wilmington. It does not apply to the members of City Council or members of advisory boards and commissions.

2.0 RESPONSIBILITY OF THE CITY MANAGER

The City Manager shall appoint and may suspend and remove all department directors and City employees, except as otherwise provided in the City Charter. The City Manager may delegate the authority to appoint, suspend, or remove City employees to an authorized representative. The City Manager shall establish personnel policies and revisions to the personnel system and shall develop and implement such rules and procedures as are necessary to carry out the policies of the Council and maintain competitive and professional personnel organization. A department director may develop personnel policies specific to employees within the department with the review and approval of the City Manager. No such rules and procedures shall be contrary to any provisions of the City Charter or Ordinance of the City Council, or any State or Federal law.

3.0 Responsibility of Director of Human Resources

The Director of Human Resources shall review and recommend to the City Manager policies and revisions for pay, classification, benefits, safety, recruitment and personnel administration. Under the direction of the City Manager, the Director of Human Resources shall develop and administer such procedures as necessary to assure equal opportunity in recruiting, selecting, developing and maintaining an effective and responsible work force.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: 2.9.2004	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: 206 IX.
SUBJECT: <i>Employee Discipline</i>		

1.0 Purpose

To address employee performance that needs improvement and misconduct.

2.0 Work Philosophies and Expectations

- 2.1 Supervisors will provide instructions, orders, and assignments to employees to follow to perform their jobs.
- 2.2 All employees shall adhere to acceptable standards of attendance, work performance and personal conduct.
- 2.3 Violence in the workplace will not be tolerated.
- 2.4 Employees will not utilize any type of electronic recording or listening device, and will not secretly record any person for any reason without the expressed approval of the City Manager or his designee. Such recording may be conducted without the approval of the City Manager if all parties agree to the recording.
- 2.5 All employees are employees at will and may be discharged from employment at any time, except for non-probationary firefighters and sworn law enforcement officers.

3.0 Authority of City Manager

This policy does not limit the authority of the City Manager as established in the City of Wilmington charter.

4.0 Notification and Records

All disciplinary actions are to be issued in writing. The written notification must include the level of the disciplinary action, the reason(s) for action taken and a reference to any previous disciplinary actions still active. A copy of any disciplinary action is to be provided to the employee. A copy shall be routed to the Human Resources department.

5.0 Progressive Disciplinary

The City's progressive disciplinary system consists of First Reminder, Second Reminder, Suspension and Dismissal. Supervisors shall consult with department management and Human Resources prior to taking any significant action or an action that is non-progressive. A disciplinary notice remains active for a period of twelve months. Discipline will be progressive to at least the next level when the employee has a current active discipline. Department directors are authorized to skip levels of progressive discipline.

The supervisor will discuss performance concerns with the employee before taking any formal action to make sure the employee fully understands what is expected and that it is the employee's responsibility to meet the City's expectations.

- 5.1 **First Reminder.** A memorandum recording the formal action documenting the performance issues discussed with the employee and the responsibility for

meeting performance expectations. A copy of the memorandum must be given to the employee and a copy forwarded to the Human Resources Department.

5.2 Second Reminder. A memorandum recording the formal action documenting both the performance issue discussed with the employee and the responsibility for meeting performance expectations. A copy of the memorandum must be given to the employee and a copy must be forwarded to the Human Resources Department.

5.3 Suspension. In the event that previous progressive disciplinary actions do not result in appropriate changes by the employee or if the infraction warrants this response, the supervisor may suspend the employee. At the discretion of the department director, the employee may or may not be paid during a suspension.

X. 6.0 Dismissal

The City Manager authorizes department directors to dismiss an employee.

7.0 Pre-disciplinary Conference

- 7.1 Before any disciplinary action involving the loss of pay is taken against a non-probationary employee, the employee shall be informed of the possible disciplinary action, including the nature of the action, and the reason(s) for the action.
- 7.2 At this conference, the employee may present any response to the charges. The department director will consider the employee's response to the charge and will, within five (5) working days of the conference, notify the employee in writing of the final decision to take disciplinary action.

Note: For the purpose of this policy working days shall mean 8 AM to 5 PM, Monday through Friday except for City holidays.

8.0 Discipline During the Probationary Period

Probationary employees may be discharged at any time. Until the employee has completed his probationary period as a full- or part-time regular employee, the department is not required to use the City's formal disciplinary transaction system

9.0 Appeal

All regular employees may appeal a disciplinary action in accordance with Personnel Policy *Employee Appeals*. An employee shall not use the Grievance Procedure to appeal a disciplinary action.

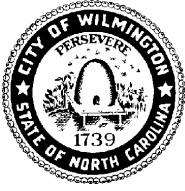
a. 10.0 Deactivating Disciplinary Actions

- 10.1 If the employee improves his performance, corrects the problem, and maintains satisfactory performance for a one-year period of time, a disciplinary action may be deactivated in the employee's personnel file. Supervisors and managers shall not consider any deactivated disciplinary action in a personnel file when taking an employment action on the employee.
- 10.2 The City shall not deactivate any action that involves personal safety or the safety of a fellow employee or of the general public or any action that may place the City at risk of future legal action.

10.3 In accordance with the requirements of the State of North Carolina records retention, no disciplinary action may be purged from an employee's personnel file.

11.0 Conflicts - Civil Service Act

Disciplinary action involving suspension, demotion or dismissal of a non-probationary sworn officer in the Police Department or firefighter in the Fire Department shall be in accordance with the provisions of the Civil Service Act of the City of Wilmington. All other disciplinary action shall be in accordance with the provisions of this policy or the Civil Service Act, as applicable.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: 2.9.2004	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: XI. 207
SUBJECT: <i>Employee Grievances</i>		

1.0 Purpose

To establish a grievance procedure whereby full-time and/or part-time regular employees can make their complaints known and to have those complaints considered promptly and fairly.

2.0 Definition

- 2.1 A grievance is any dispute concerning the interpretation or application of the City of Wilmington's policies, practice or procedures affecting working condition for the City's regular employees. The following matters are not permitted as employee grievances.
 - 2.1.1 Any employee disciplinary action;
 - 2.1.2 Matters relating to employee pay;
 - 2.1.3 Any performance appraisal;
 - 2.1.4 Any performance notes;
 - 2.1.5 Any assignment.
- 2.2 In the event an employee feels that he or she has been subjected to harassment by his/ her supervisor, as defined under the City's Harassment policy, the employee shall proceed directly to the City's Harassment Policy.
- 2.3 Certain disciplinary actions may be appealed as permitted by the City's Appeals of Disciplinary Action Policy.

3.0 Policy

- 3.1 All grievances must be in writing, using a City of Wilmington Grievance form, dated and signed. Upon receipt of a written grievance, the supervisor shall immediately forward a copy of it and any subsequent correspondence or decisions regarding the matter to the appealing employee's department director and to the Director of Human Resources.
- 3.2 All employee grievance conferences shall be closed. No legal or personal representative may accompany an employee in a grievance conference.
- 3.3 The following successive steps comprise the grievance procedure. By mutual agreement the specific time limits may be extended.

4.0 Step 1 Employee Grievance

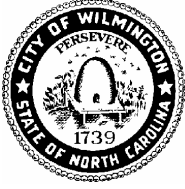
- 4.1 No grievance authorized by this policy may be filed later than fourteen (14) calendar days following an occurrence giving rise to such grievance.
- 4.2 The department director will review the grievance and, if necessary, arrange a conference with the supervisor and the employee. Within seven (7) calendar days, the department director shall respond in writing to the grievance with a copy to the Director of Human Resources.

5.0 Step 2 Employee Grievance

- 5.1 Within seven (7) calendar days following the response by the department director, the full-time or part-time regular employee may request that a Grievance Review Board review the original grievance and the department director's response to that grievance. The request must be submitted to the Human Resources Director in writing by completing the Grievance form.
- 5.2 Failure by the employee to file a written request for appeal within the seven (7) calendar days allotted will constitute an abandonment of all rights to grieve the matter. If the employee does not appeal within the designated period, the recommendation by the department director is final
- 5.3 After a written request for review is filed, the City Manager will appoint a three member Grievance Review Board to review the grievance. The City Manager will have full discretion on the appointments of the Grievance Review Board. The board will typically consist of the Human Resources Director and two other City employees.
- 5.4 The Grievance Review Board will review the written grievance documents and may convene a conference to gather information, investigate or research the issue or contact employees/ witnesses, etc. whom they believe may have relevant information on the matter.
- 5.5 All conferences or meetings convened by the Grievance Review Board shall be closed to the public.
- 5.6 Within fourteen (14) days from the date the written request is filed, the Grievance Review Board will submit a written recommendation on the matter to the City Manager. The City Manager shall make the final decision on the grievance.

6.0 Conflicts

No determination of any grievance will in any way in conflict with any local, State or Federal laws.



ADMINISTRATIVE POLICY
City of Wilmington

EFFECTIVE DATE: <i>07.01.04</i>	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: <i>XII. 210</i>
SUBJECT: <i>(a) Personnel Records and Reports</i>		

1.0 PURPOSE

The Human Resources Director will maintain such personnel records as are necessary for the proper administration of the personnel system. The City shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

2. 2.0 Personnel File Defined

2.1. An employee's personnel file consists of any information in any form gathered by the city with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment.

2.2. The following information on each City employee is a matter of public record:

- 2.2.1 Name;
- 2.2.2 Age;
- 2.2.3 Date of original employment or appointment to City service;
- 2.2.4 Current position title;
- 2.2.5 Current salary;
- 2.2.6 Date and amount of most recent increase or decrease in salary;
- 2.2.7 The nature of the most recent change in position classification, including promotion, demotion, transfer, suspension or separation, together with the date of such action. Such information includes whether the change in position classification resulted in an increase or decrease in salary; and
- 2.2.8 Department to which the employee is currently assigned.

3.0 Access to Personnel Records

3.1 As required by North Carolina General Statute 160A-168, any person may have access to the information listed in section 2.2. of this policy for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City Council may adopt. The following provisions shall govern access to such information:

3.1.1. All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of employee; information disclosed; date information was requested; name of the person to whom the disclosure is made. This information must be retained for a period of two years.

3.1.2. Upon request, records of disclosure shall be made available to the employee to whom it pertains.

- 3.1.3 An individual examining a personnel record may copy the information. Any available photocopying facility may be provided and the cost may be assessed to the individual.
- 3.1.4. Any person denied access to any information set forth in section 2.2 above shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.

4.0 CONFIDENTIAL INFORMATION

4.1 All information contained in a City employee's personnel file, other than the information listed forth in section 2.2. above will be maintained as confidential in accordance with the requirements of G. S. 160A-168 and shall be open to inspection only in the following instances:

- 4.1.1 The employee or his/her duly authorized agent may examine all portions of his/her personnel file, except, (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- 4.1.2 A licensed physician designated in writing by the employee may examine the employee's medical record.
- 4.1.3 With the Department Director's approval, a City employee having supervisory authority over the employee may examine all relevant material in the employee's personnel file except the employee's medical information.

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- 4.1.4 By order of a court of competent jurisdiction, any person may examine all or a portion of the material in the employee's personnel file.
- 4.1.5 An official of an agency of the State or Federal government or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the City Manager or Director of Human Resources to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution or an investigation of the employee's tax liability. However, such individual having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 4.1.6 An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 4.1.7 The City Manager, with concurrence of the City Council, may inform any person of the employment or non-employment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the City Manager shall determine in writing that the release is essential to maintaining the public confidence in the administration of city services or to maintaining the level and quality of City services. This written determination shall be retained in the office of the City Clerk, and is a record available for public inspection and shall become a part of the employee's personnel file.
- 4.1.8 When necessary for the release of information under this paragraph, each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- 4.1.9 A record shall be made of each disclosure and placed in the employee's file (except for disclosures to the employee, the supervisor, and City of Wilmington officials).
- 4.1.10 All confidential personnel information must be bannered in the text section with "Confidential Personnel Information" before being transmitted by email.
- 4.2 Notwithstanding the above provisions, certain information described in G.S. 160A-168 (c1) need not be disclosed to an employee nor to any other person, except pursuant to an order of a court of competent jurisdiction.
- 4.3 All personnel information in any form, electronic or written, shall be considered protected information. It shall be a violation of NCGS 160A-168 and this policy to access or release confidential personnel information without appropriate authority to do so. Any unauthorized release or use of information will result in disciplinary action up to and including termination. Employee's who accidentally access confidential information, to include confidential personnel information, shall notify their supervisor of this fact immediately and protect and

safeguard the information. Supervisors should contact their department director and Human Resources director immediately.

4.4 A copy of any and all personnel documents generated by a department on an employee must be forwarded to the Human Resources Department to be included in the employee's employment history file including such items as written reminders, letters of disciplines or disciplinary actions and investigations. At the conclusion of the employee's employment in the department, the department should forward the departmental personnel file to the Human Resources Department. Except for the Police Department where such records are maintained and stored, the Payroll division of Finance will be responsible for maintaining the employee's time cards/sheets or other method used to record the employee's time worked, schedules, vacation, sick leave or holiday request/authorizations, and any other documents generated for payroll purposes for a minimum of five (5) years.

5.0 RECORDS OF FORMER EMPLOYEES AND APPLICANTS

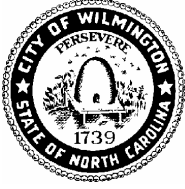
The provisions for access to records set forth above shall apply to the records of former City employees. The provisions that provide for public access, employee access and limited government access to personnel files do not apply to applicant files. An applicant must sign a waiver for the City to release applicant information including the applicant's name.

6.0 REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE

An employee who objects to material in his personnel file may place in his file a statement relating to the material that he considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures, provided, however, an employee may not seek to remove such material as a substitute for the appeal of a disciplinary action.

7.0 Penalty for Permitting Access, examining, or copying Confidential material without authorization

G.S. 160A-168 prohibits any unauthorized access, examination, removal, or copying of any information contained in a protected personnel file. A violation of these statutory prohibitions constitutes a Class 3 misdemeanor and if convicted will result in a fine. Any City employee who violates either the provisions of G. S. 160A-168 or any provision of this policy shall be subjected to disciplinary action up to and including termination.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: 2.9.2004	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: XIII. 214
SUBJECT: <i>Employee Appeals of Disciplinary Actions</i>		

1.0 Purpose

To establish an appeals procedure whereby full-time and /or part-time regular employees can appeal disciplinary actions. Note that employee appeals are limited to disciplinary actions.

2.0 General Policy

- 2.1 Any regular City employee may appeal a disciplinary action to his or her department director. Upon review of the matter, the department director may allow the discipline action to stand, or may modify the discipline by either reducing or increasing the severity of the discipline.
- 2.2 All departmental appeal conferences shall be closed. No legal or personal representative may accompany an employee in an appeal conference, except in the case of an appeal of demotion, suspension or dismissal.

3.0 Harassment

In the event an employee feels that he or she has been subjected to harassment by his/ her supervisor, as defined under the City's Harassment policy, the employee shall proceed directly to the City's Harassment Policy.

4.0 Appeals of General Disciplinary Actions

- 4.1 Within in seven (7) calendar days following the disciplinary action giving rise to an appeal, the appeal of discipline must be presented to the department director in writing using a City of Wilmington Disciplinary Appeals Form, dated and signed. Upon receipt of a written appeal, the department director shall immediately forward a copy of it and any subsequent correspondence or decisions regarding the matter to the Director of Human Resources.
- 4.2 All employee appeal conferences shall be closed. No legal or personal representative may accompany an employee in an appeal conference.
- 4.3 The department director shall respond in writing to the employee within fourteen (14) calendar days and his/her determination shall be final. A copy of the determination shall be provided to the Human Resources Director.

5.0 Appeals of Dismissal, Suspensions or Demotion for Employees Covered by the Civil Service Act

Employees covered by the Civil Service Act do not have access to the Disciplinary Review Panel and must comply with the Civil Service Act.

6.0 Appeals of Suspension and Dismissals for Employees not covered by the Civil Service Act

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- 6.1 Within seven (7) calendar days following demotion, suspension or dismissal, the employee may present an appeal in writing to the Human Resources Director for review by a Disciplinary Review Panel. The employee's appeal shall be in writing on the Disciplinary Appeals Form.
 - 6.2 If an employee appeals a dismissal, the employee will be in a *leave without pay* status pending a final decision on the appeal. Any terminal pay will not be paid pending the outcome of the appeal.
 - 6.3 Failure by the employee to file a written request for appeal within the seven (7) calendar days allotted will constitute an abandonment of all appeal rights.
 - 6.4 If the employee does not appeal within the designated period, the recommendation for demotion, suspension or dismissal is final and applicable benefits owed to the employee will be paid out at the next pay period.
 - 6.5 After a written request for appeal is filed, the department director or his designee must identify the list of witnesses that may be called in the conference.
 - 6.6 The scope of the conference will be limited to the issues and witnesses identified in the appeal of discipline form.
 - 6.7 All demotion, suspension or dismissal appeal conferences shall be closed to the public. Representation of an employee by an attorney or by a fellow employee is permitted in such an appeal. Any legal or other expenses incurred by the employee by an appeal to the disciplinary panel shall be at the employee's own expense.
 - 6.8 Within fourteen (14) calendar days from the date of the completion of an appeals conference, the City Manager will issue a written determination on the matter. The decision of the City Manager shall be final.

7.0 Disciplinary Review Panel

- 7.1 To ensure the Disciplinary Review Panel is completed in a consistent and efficient manner, the Disciplinary Review Panel will function with a facilitator. The Human Resources Director, or his designee, will fill the role of the facilitator. His/her primary responsibilities include:
 - 7.1.1 Ensuring panel members are free of conflict on this issue;
 - 7.1.2 Facilitating the selection of a panel chairman;
 - 7.1.3 Convening the conference;
 - 7.1.4 Informing all parties of the conference procedures;
 - 7.1.5 Notifying witnesses;
 - 7.1.6 Acting as parliamentarian;
 - 7.1.7 Ruling on objections by either party and on the admissibility of evidence;
 - 7.1.8 Closing the conference;
 - 7.1.9 Advising the panel during deliberations on policy interpretations and precedents;
 - 7.1.10 Sending the final panel decision to the City Manager;
 - 7.1.11 Providing training to panel members.
- 7.2 The facilitator will be present during the conference and deliberations by the panel. The facilitator will remain impartial to all discussions and will be available to clarify procedural issues.
- 7.3 Each party will be given up to one hour to present any oral or written testimony. The facilitator must approve any additional time needed for the presentation. Questions by panel members will not be charged against the time period allowed for presentations. Each party will be given up to fifteen (15) minutes for a closing summary. Persons with disabilities requiring assistance may utilize a qualified interpreter and /or reader.
- 7.4 The decision of the Disciplinary Review Panel will be consistent with City policy. The panel shall not establish or change a City policy; set rates of pay; change work rules; or

rule on issues that fall outside the panel's authority. Panel decisions are to be made within three (3) calendar days after conclusion of the conference. The Panel Chairperson, with the assistance of the Facilitator, will prepare the recommended findings and decision.

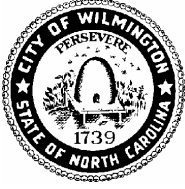
- 7.5 A panel will either affirm or reject the recommended action. The decision will be forwarded directly to the City Manager who will make a binding decision. The City Manager will notify the employee, the department director, the Panel Chairperson and the Human Resources Director of the final decision within five (5) calendar days of receipt of the recommendation. A copy of the decision will be included in the employee's personnel file.

8.0 Establishment of the Disciplinary Review Panel

- 8.1 A pool of panelists will be established within the City with representatives from each department to hear appeals of discipline. The pool selection process will be initiated as needed. The Human Resources director will establish a process for selecting members of the pool from which a panel is selected.
- 8.1 All panel members must be in good standing with the City and certify that they will keep information received in an Appeal of Discipline conference *confidential*. The unauthorized release of information by a panel member will result in disciplinary action up to and including dismissal.
- 8.2 Each panel will comprised of three members: one selected by the City Manager and two selected by the employee. To avoid conflicts of interest, the Human Resources Director will monitor the names selected to disqualify any selected panelist who works in the same department as the appealing employee, who has specific knowledge of the appeal, and/or who is a relative or member of the same household as the appealing employee.
- 8.3 The Human Resources Director will notify the panelists within three (3) calendar days from the date of the appeal is filed to verify availability and schedule the conference.

9.0 Conflicts

No determination of any appeal will in any way conflict with any City policies, resolutions, or ordinances or with any State or Federal statutes applicable thereto, including the Civil Service Act.



ADMINISTRATIVE POLICY
City of Wilmington

EFFECTIVE DATE: <i>02.09.2004</i>	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: XIV. 215
SUBJECT: <i>Sick Leave Bank</i>		

1. PURPOSE.

To establish a voluntary Sick Leave Bank which will provide disability income for those City employees who have catastrophic medical problems, but are not eligible for Workers' Compensation or retirement benefits. The Sick Leave Bank will be continued as long as at least 25% of all regular full-time and regular part-time employees agree to participate in accordance with the provisions of this policy.

2. ELIGIBILITY FOR PARTICIPATION.

2.1. Effective July 1, 2004, all regular full-time and regular part-time employees of the City of Wilmington, including probationary employees, who have completed one full month of employment with the City as of July 1, 2004, and who have a sick leave balance of at least one (1) day will be eligible to participate in the Sick Leave Bank. After June 30, 2004, individuals who have not elected to participate in the Sick Leave Bank must await the next open enrollment date to join, and will then be required to have accumulated a minimum of ten sick leave days before joining.

2.2. Persons who begin their employment with the City of Wilmington in a regular full-time or regular part-time position after June 31, 2004, are eligible to join the Sick Leave Bank after accruing one day of sick leave. Those employees not electing to participate in the bank at that time will then be required to have accumulated a minimum of ten sick days before enrolling, and must wait until the next available open enrollment period to join.

3. REQUIREMENTS FOR PARTICIPATION.

3.1. Participation in the Sick Leave Bank is voluntary. Only those employees who make voluntary contributions to the Bank will be permitted to participate in the Bank. Participation does not guarantee to an employee approval of requests to withdraw from the Bank.

3.2. In order to participate in the Bank, each employee will be required to contribute one day of accumulated sick leave to the Bank. Participation will begin as of the date of contribution. Sick leave contributions to the Bank are irrevocable and

cannot be returned if the employee cancels his participation in the Bank.

- 3.3. Each calendar year, participating employees will be required to contribute one additional day on July 1. The Department of Human Resources will determine the need and extent of future contributions. It is empowered to suspend the contribution requirement of current participants when Bank days exceed twice the number of participating employees. In addition, it is empowered to require a special assessment of one (1) day from each participating employee if the total accumulated number of Bank days falls below half of the number of participating employees.

4. ELIGIBILITY FOR BENEFITS.

4.1. Provided the employee is a participant in good standing of the Sick Leave Bank, he, or someone on his behalf, must submit the appropriate waivers and request form for a Sick Leave Bank withdrawal to the Review Committee. Included with the request form will be a signed waiver of privacy and a signed physician's certification of disability as described in Section 8.7 below.

- 4.2. Action will be taken by the Review Committee pursuant to each request within 10 working days following the expiration of a 30-workday waiting period per continuous disability absence. The 30-workday waiting period will begin on the first day the employee is absent from work as a result of the illness or injury. For the purpose of this procedure the term "workdays" shall be understood to mean consecutive Mondays through Fridays, excluding holidays.

4.3. The Review Committee may request a certification from a second physician of the Committee's choice at any time and at the employee's expense. Certification from a Committee-selected physician will be required after 50 Sick Leave Bank Days are used in any one continuous period of disability. This physician would make his report directly to the Committee. The report is to include the nature, extent, and anticipated duration of the disability. The Committee may require additional physician's certifications as necessary.

- 4.4. Failure to submit a signed waiver of privacy and any requested physician's certification of disability may result in denial of Sick Leave Bank benefits.

4.5 Eligibility for approved Sick Leave Bank benefits is contingent upon the exhaustion of all individually accrued sick leave days, all accrued vacation leave days, and all accrued holidays.

4.6 Eligibility for approved Sick Leave Bank benefits is contingent upon the employee being in an approved leave status. If the employee's department does not authorize leave, no Sick Leave Benefits can be paid.

4.7. Only a 5-workday waiting period is required when the disability is related to a previous disability during the preceding 30-day period for which the Committee has approved Sick Leave Bank benefits.

5. DISABILITY BENEFITS.

5.1 The maximum number of workdays that can be drawn by an employee from the Sick Leave Bank during his or her employment with the City of Wilmington is 180.

- 5.2. No employee will be entitled to draw more than 60 days for one absence from

work or during a twelve-month period.

5.3 An employee who is approved for disability retirement benefits or Social Security is ineligible to draw from the Sick Leave Bank.

6. EXCLUSIONS, LIMITATIONS, AND TERMINATION OF BENEFITS.

6.1 Disabilities resulting from the following will be excluded from eligibility for Sick Leave Bank benefits:

6.1.1 Any occupationally related accident or illness for which Workers' Compensation benefits are payable.

6.1.2. Horseplay or intoxication by alcohol or drugs while at work, or a failure to obey instructions or use a safety device while at work.

6.1.3. Intentionally self-inflicted injuries.

6.1.4. Injury occurring in the course of committing a felony or assault.

6.1.5. Active duty service in the armed forces.

6.1.6. War, insurrection, rebellion, or active and illegal participation in a riot.

6.1.7. Cosmetic surgery or treatment, or surgery or treatment deemed medically unnecessary by a physician.

6.2 No Sick Leave Bank benefits will be payable for that portion of any period of disability when the disabled employee is confined in a penal or correctional institution as a result of conviction for a criminal or other public offense.

6.3 The granting of Sick Leave Bank days for any period of disability caused by nervous or mental diseases or disorders, alcoholism or drug addiction or chemical dependence will be limited to a total period of 60 workdays during a twelve-month period unless the participating employee is confined in a legally constituted hospital.

6.4 The granting of Sick Leave Bank days for any period of disability caused by normal pregnancy will be limited to a total period of 60 workdays during a twelve-month period.

6.5. A participating employee will immediately lose the right to use Sick Leave Bank benefits because of the following:

6.5.1 Termination of employment with the City.

6.5.2 During a suspension without pay.

6.5.3 Voluntary cancellation of participation in the Bank.

6.5.4 Failure to make required contribution (except for a person receiving Sick Leave Bank benefits on a day that employees are required to contribute an additional day), or provide required physician certification.

6.5.5 Any abuse or misuse of the Sick Leave policy for which the employee has been disciplined within 12 months of the commencement of the disability.

6.5.6 Exhaustion of maximum Sick Leave Bank days.

6.5.7 Fraud or misrepresentation in requesting or use of Sick Leave Bank benefits.

7. PRE-EXISTING CONDITIONS.

For employees eligible to participate in the Sick Leave Bank, disabilities arising within the first year of participation and attributable to a pre-existing condition will be excluded from the Bank.

8. ADMINISTRATION.

8.1 The Sick Leave Bank will be administered by the Department of Human Resources. The Director of Human Resources will recommend supplemental rules and policies considered appropriate for the operation of the Sick Leave Bank. Any additional rules or policy so developed must be approved by the City Manager.

8.2 A seven (7) member Review Committee will be appointed in the following manner:

8.2.1 The City Manager shall appoint the Committee Chairperson from among the City's department directors.

8.2.2 The City Manager shall appoint three (3) members.

8.2.3 The City's Wellness Committee shall appoint two members.

8.3.4 The City's Safety Committee shall appoint one member.

8.3.5 The members of the Committee will serve two-year terms and can be re-appointed.

8.3.6 The members of the Committee annually will select from the membership a Co-chairperson to conduct meetings in the absence of the chairperson.

8.3.7 At any meetings of the Committee, four members shall constitute a quorum; decisions shall be made by majority vote.

8.3 The Review Committee shall have the responsibility of reviewing all requests from the Bank, verifying the validity of the requests, approving or denying the requests, and communicating the decision to the Director of Human Resources. The decision of the Review Committee is final, subject to the provisions of subsection 8.4, below.

8.4 The Review Committee will interact as necessary with the Departments of Finance and Human Resources in the operation of the Sick Leave Bank. The Department of Human Resources will receive and review the decisions of the Review Committee to assure consistency with City sick leave and other leave policies and with the rules and policies of the Sick Leave Bank. The Department of Human Resources will be notified by the Review Committee to effect Sick leave payments and to account for Sick Leave Bank grants. The

Department of Human Resources will at that time notify the employee and affected department. Decisions of the Review Committee shall be effective from the time they are made, with Sick Leave Bank benefits payable commencing on the first regular pay period following the date on which the decision is made.

- 8.5 All requests for Sick Leave Bank benefits shall be made on authorized forms and submitted to the Review Committee. Applicants may submit requests for an extension before the expiration of their current request.

8.6 If the Review Committee may reasonably presume that an applicant for Sick Leave Bank benefits may be eligible for disability retirement, or any other disability or loss of time benefits, the Review committee will request that the applicant apply for such benefits. Failure to apply would disqualify the applicant for Sick Leave Bank benefits.

8.7. Each request for Sick Leave Bank benefits shall include a signed waiver of privacy and a signed physician certification confirming the cause of the illness or injury, certifying the existence of a disability that prevents the participating employee from performing assigned duties, and stating the anticipated duration of the disability.

- 8.8 All forms for application for participation in the Bank, requests for withdrawal of Bank days, and cancellation of participation will be available in the Department of Human Resources.

- 8.9 The Department of Human Resources shall maintain records of all participating employee contributions, withdrawals, and the status of the Bank.

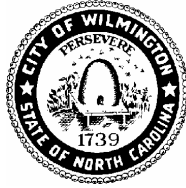
- 8.10 The Department of Human Resources shall report the status of the Bank at any time upon the request of the Review Committee and shall provide information to the Committee with respect to any participating employee's contribution status or prior use of Bank benefits.

9. TERMINATION OR MODIFICATION OF THE SICK LEAVE BANK.

The City intends to continue the Sick Leave Bank but it reserves the right to institute a termination or modification thereof unilaterally and without prior notice. However, all existing and pending disability withdrawals will be honored by the Bank to the extent Sick Leave Bank days remain available. Should the Sick Leave Bank be terminated, all unused sick leave days will be distributed to the then current participating employees based on the number of years each has participated in the Bank.

10. FINANCING.

The participating employees will bear the entire benefit cost of the Bank through their annual contribution of sick leave days provided to them at no cost by the City under the current sick leave accrual plan. The City will bear only the necessary administrative cost of the Sick Leave Bank.



REQUEST FOR WITHDRAWAL FROM THE CITY OF WILMINGTON SHARED LEAVE BANK

I request leave from the City of Wilmington Shared Leave Bank. I certify that I am a participant in good standing of the Sick Leave Bank and that I have satisfied the applicable requirements for sick leave. I understand that my eligibility for approved Sick Leave Bank benefits is contingent upon my being in an approved leave status. If my department has not or does not authorize leave, no Sick Leave Bank benefits can be paid.

My 30-workday waiting period per continuous disability absence began on (Insert date) _____. (The 30-workday waiting period will begin on the first day the employee is absent from work as a result of the illness or injury. For the purpose of this procedure the term "workdays" shall be understood to mean consecutive Mondays through Fridays, excluding holidays.)

I understand that my eligibility for approved Sick Leave Bank benefits is contingent upon the exhaustion of all my individually accrued sick leave days, all accrued vacation leave days, and all accrued holidays. I certify that I have exhausted or will exhaust these leave balances on (Insert date) _____.

I understand that only a 5-workday waiting period is required when the disability is related to a previous disability during the preceding 30-day period for which the Committee has approved Sick Leave Bank benefits.

I request a withdrawal from the Shared Leave Bank to cover the period between (Insert dates)

_____ and _____.

Beginning date

Ending date

Employee Name (Please print)

Department

Employee Certification (Please sign)

Date



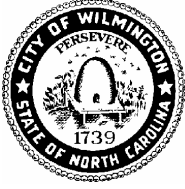
Sick Leave Bank Election Form

Print Name:	Department:
SS#	

I elect to participate in the City of Wilmington Sick Leave Bank plan effective July 1, 2004 and continuing until I provide written notification of my withdrawal from the program. I understand that such a withdrawal is permitted only during the annual benefits enrollment period. As a participating member, I am entitled to all the benefits afforded to participants. I understand that sick leave is a benefit and, as such, is subject to the review and approval of my supervisors and that my participation in this program does not exempt me from the required review and approval of any request for sick leave that I might submit. As a participating member of the Sick Leave Bank, I also agree to the annual assessment of my sick leave balance and any periodic assessments that may be necessary to sustain the Sick Leave Bank.

Employee Signature

Date



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: <i>02.09.2004</i>	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: XV. 216
SUBJECT: <i>Solicitation, Distribution and Posting</i>		

PURPOSE

This policy establishes a standard procedure for solicitations and the posting and distribution of materials on City of Wilmington property.

POLICY

It shall be the policy of the City of Wilmington to prohibit solicitation, distribution and posting of material on or at the City of Wilmington properties by any employee or non-employee of the City of Wilmington with the exceptions described in this procedure. The sole exceptions to this policy are charitable and community activities supported by the City of Wilmington management and City of Wilmington-sponsored programs related to City products or services.

For the purposes of this policy, the term *solicitation* shall mean the act of requesting an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation, begging or asking may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

- 1.1 Solicitation of funds for City-sponsored events will be the only Citywide solicitations approved for all City employees. Activities related to such solicitation may be performed on City time.
- 1.2 Non-employees shall not solicit employees or distribute literature of any kind on City premises at any time. It shall be the responsibility of the department directors and supervisory personnel to ensure that no non-employee solicits on City property without the written approval of the City Manager.
- 1.3 Employees may not solicit other employees during work times except in connection with a City-sponsored event. Employees may not distribute literature of any kind during work times, or in any work area at any time, except in connection with a City-sponsored event. An inventory of City-sponsored events shall be maintained in the City Manager's Office.
- 1.4 The following approved solicitations that may be conducted on City time to include:
 - 1.4.1. The collection of money for approved employee funds, departmental functions and/or programs to include flower and gift funds, coffee funds or sunshine funds or similar funds collected among co-workers to note or observe special personal occasions.

-
- 1.4.2. Any announcement or solicitation associated with a retiring or departing City employee, the death of a current or former employee and/or the member of a current employee's immediate family.
 - 1.4.2 The collection of money for City-sponsored events and related activities.
 - 1.5 The City of Wilmington prohibits the use of the City's electronic messaging system (email), Intranet, and publications by employees to promote unauthorized solicitations. No employee may use City equipment or time to participate in chain letters, electronic or otherwise, whether or not the chain letter includes a solicitation. The posting of materials on City property or electronic announcements are permitted only for City-sponsored events.
 - 1.6 The use of the Payroll Deduction system is limited to City-sponsored events.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: 2.9.2004	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: XVI. 217
SUBJECT: Building Security Policy		

PURPOSE

The purpose of this policy is to provide safe and secure buildings for City of Wilmington employees, visitors and the general public. Also, providing enhanced security should reduce the potential for loss of property and materials.

1. POLICY

It shall be the policy of the City of Wilmington to control and limit access to City buildings and facilities in order to prevent unauthorized persons from entering City buildings outside of normal, posted operating hours.

1.0 Employee Identification

- 1.1 City employees, not otherwise identified by City-issued uniforms with name badges, must prominently display City-issued identification badges/access control cards while in an official working capacity, including visiting other departments. City-issued identification badges/access control cards must be displayed above the waist in a manner that can be readily seen by others. Employees may not, alter, obstruct or deface the badge or plastic sleeve to change in any way the original appearance of the badge/card.
- 1.2 All employees who wear City-issued uniforms must carry their City-issued identification badge/access control card and present it when required.
- 1.2 Any City employee who fails to adhere to this requirement will be subject to disciplinary action up to and including dismissal.
- 1.3 Any exception to the provision of this policy must be approved by the City Manager.

2.0 Building Access

- 2.1 All public City of Wilmington buildings are open during normal business hours (generally 8:00 a.m. – 5:00 p.m.) to those who need access.
- 2.2 Access to all public City of Wilmington buildings during non-business hours must be approved by a department director or his/her designee. Such access shall be limited and controlled by the authorizing department director.
- 2.3 Access to any City of Wilmington building or facility by a vendor or contractor at any time shall be controlled and limited by Building Maintenance personnel with notice to department directors as appropriate.
- 2.4 All nonpublic, or restricted, City of Wilmington buildings or facilities are closed to the general public. Access to restricted buildings or facilities by the visitors to include other City employees shall be limited and controlled. Any person who gains

entry to restricted facilities without proper authorization of entry shall be trespassing.
(Example: Sweeney Water Plant)

3.0 Access Control Director

- 3.1 The Human Resources Director or designee shall be designated the Access Control Director with the overall authority and responsibility for administration of this policy, procedure, approvals and issuance of all the City of Wilmington identification badges/access control cards.
- 3.2 Upon proper notification by the Building Division of Public Services, or other responsible City authority, the Access Control Director shall issue temporary, or vendor, identification badge/access control card to a certified recipient.
- 3.3 Upon proper notification, the Access Control Director shall inactivate the City of Wilmington identification badge/access control card of a specific individual in order to deny access to certain City buildings and facilities.
- 3.4 The Access Control Director may generate management reports on building access, as necessary.

4.0 Department Access Control Coordinator

- 4.1 The department director, or his/her designee, shall perform the duties of the Department Access Controller.
- 4.2 The Department Access Control Coordinator is responsible for:
 - 4.2.1 Ordering and issuing all department identification badges/access control cards and ordering and issuing all door keys.
 - 4.2.2 The prompt recovery of City of Wilmington identification badges/access control cards and door keys from personnel who are terminated, transferred to another department, or restricted from access for any other reason.
 - 4.2.3 Reporting lost or stolen identification badges/access control cards or keys to the Human Resources Director, or designee, as soon as practicable.
 - 4.2.4 Returning unassigned departmental control keys in a timely and secure manner.

5.0 City of Wilmington Personnel

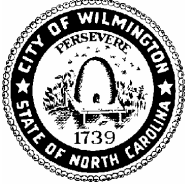
City of Wilmington employees are required to:

- 5.1 Sign an approved form documenting record of the receipt of the identification badge/access control card and/or the receipt of a door key.
- 5.2 Wear and display the identification/access control card in a manner that readily identifies the person as an employee of the City of Wilmington while on City premises.
- 5.3 Offer assistance to any person on City premises who does not have a City identification badge/access control card displayed. (This provides a level of customer service while also putting unauthorized people on notice that we are monitoring their presence while on City property.)
- 5.4 Maintain, secure and be responsible for assigned identification badge/access control card and/or door key.
- 5.5 Report any loss or theft of an identification badge/access control card or key to the department director, or designee, soon as loss occurs.
- 5.6 Return to the Department Access Control Coordinator, upon separation from the department, all city identification badge/access control cards and keys.

6.0 Loss of Cards

- 6.1 During the implementation phase of this security system/program, the Building Division of Public Services will be responsible for the costs associated with supplying all current City employees with their first identification badge/access control card.

-
- 6.2 After June 30, 2004, the cost for providing an identification badge/access control card to a new employee shall be borne by the hiring department.
- 6.3 The cost for any replacement badge shall be paid by the employee.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: <i>07.01.2004</i>	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: <i>XVII. 218</i>
SUBJECT: a. b. Safety Shoe Policy		

1.0. PURPOSE:

The purpose of this policy is to provide an allowance for eligible employees of the City of Wilmington to purchase ANSI Z.41-1991 approved safety shoes for their use while employed in occupations/work activities where safety shoes are required under NCOSH regulation 29 CFR 1910.136.

XVIII. 2.0 POLICY

The City of Wilmington shall provide safety shoes for those regular employees exposed to potential foot hazards while performing their jobs.

- 2.1 Each City department shall conduct a Personal Protective Hazard Assessment (as prescribed by the *Loss Prevention Program* Standard No. 8 and/or by the applicable regulations) to determine whether hazards merit the wearing of safety shoes. Based on the Assessment, the department shall generate a list of eligible employees.
- 2.2 Departments shall submit a copy of the list to the City's Safety Programs Manager. It shall be the responsibility of the department to update their eligibility list to accommodate new hires, job transfers and terminations as these changes occur.
- 2.3 The City provides eligible employees to purchase safety shoes every fiscal year by paying each eligible employee a safety shoe allowance. The amount of that allowance is reviewed annually.

XIX. 3.0 **PROCEDURE**

- 3.1 ***Department Directors will conduct hazard assessment to identify jobs within their work units that require foot protection. The Safety Programs Manager will provide assistance as necessary.***
- 3.2 ***Department Directors will submit a list of names for those employees who perform work that has been identified through the hazard assessment that requires foot protection to the Safety Programs Manager one time each year.***
- 3.3 ***After approving the list, the Safety Programs Manager will forward the list to the Accounting Manager in Finance who will process the annual shoe allowance for those eligible employees. The allowance will appear as an Additional Pay item on each employee's check stub.***

4.0 **RESPONSIBILITIES**

- 4.1 It is the responsibility of each eligible employee to report to work each day and work throughout the workday in safety shoes that meet ANSI requirements and have proper toe protection. *Failure to do so will result in disciplinary action up to and including dismissal.* Employees may select their safety shoes from any vendor.
- 4.2 ***It is the responsibility of the department and local supervisors to ensure that their employees report to work with proper safety shoes. Any supervisor who allows an employee to work in a hazardous environment without proper safety shoes will be subject to disciplinary action up to and including dismissal. Each division can use whatever method reasonable to ensure and authenticate that the safety shoes the employee has purchased meets ANSI and quality standards of safety, i.e., an affidavit from the employee, manufacturer's information from the shoe box, ANSI stamps of approval, etc.***

XX.

5.0 **ELIGIBILITY**

To be eligible for the safety shoe allowance program, an employee must have been satisfactorily employed in a job that requires foot protection for a minimum of six months.

6.0 **ACCOUNTING SUPPORT**

The safety shoe program will be based on the fiscal year and eligibility lists will be renewed on the first day of July each year.

7.0 **ANNUAL ALLOWANCE**

Effective July 1, 2004, the annual allowance per employee shall be \$100.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: 05.07.04	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: XXI. 219
SUBJECT: <i>Reduction in Force</i>		

PURPOSE

From time to time, economic circumstances, program elimination or alteration, or privatization of existing programs may create the need for the City to reduce the size of its workforce. The City is committed to accomplishing this without layoffs at all possible, and if not possible, to aid the transition of employees into other employment outside the organization.

For the following provisions to be invoked, the City Council must specify that there is a need to reduce our workforce based on the relevant factors including, but not limited to general economic conditions, reduction or elimination of specific programs or activity funding, privatization, or elimination of selected services. City Council may do this in one of several ways but the adoption of the annual budget shall satisfy this requirement. Having consulted with department directors and others, it shall be the City Manager's prerogative and responsibility, to recommend to City Council which positions shall be eliminated. The City Manager shall then determine which staff members will be laid off as a result.

PROCEDURES

1.0 DETERMINATION OF REDUCTIONS

The determination of positions recommended for elimination or employee(s) subject to lay off shall be based on consideration of all the following:

- 1.1 The needs of the City following the reduction or elimination of specific programs or activity funding, privatization, elimination of selected services or general economic reductions.
- 1.2 The elimination of current or known future vacancies if the position(s) can be eliminated or held vacant long enough to achieve the required goals without unduly harming the delivery of non-targeted services.
- 1.3 The knowledge, skills, abilities and quality of the employee's past performance. This includes evaluating an incumbent's knowledge, skills, abilities and performance and those of others within the City of Wilmington who could provide a greater benefit to the organization.

2.0 LAY OFF AVOIDANCE

In keeping with a commitment to try to avoid layoffs, the City will take several steps (with the employee's concurrence and cooperation) to assist employee(s) who occupy a position(s) that is targeted for reduction to locate other employment within the organization. These efforts are described below.

- 2.1 Prior to Lay-Off. The City will not permit employees with longer service to the City to bump employees with less service to the City from their positions. However, where possible, employees whose

performance is in good standing and who occupy positions that have been targeted for elimination, will be given preference in consideration for City vacancies that are to be filled. This will take the form of having an opportunity to apply and interview for such vacancies, if basic qualifications are met, without competition from other potential applicants (except other employees so identified) for a period of six (6) months. If an employee turns down an offer for reemployment, the City shall have satisfied all responsibility to consider that employee for future vacancies.

2.2 After a Lay Off. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to apply for and be considered for the same or a similar position within six months of the separation. This will take the form of having an opportunity to apply and interview for such vacancies, if basic qualifications are met, without competition from other potential applicants (except other employees similarly situated) for a period of six (6) months. If the employee is reinstated within one year, the City's reinstatement policy shall apply. The City shall notify former employees separated due to a reduction in force of all posted vacancies. However, the former employee has the responsibility for making application to be considered. If a former employee turns down an offer for reemployment, the City shall have satisfied all responsibility to consider that employee for future vacancies.

2.3 If the reason for potential reduction in force is strictly an economic one, during such designated periods of budget reduction at management's discretion, management may offer employees in full-time, budgeted positions the option of reducing their work schedule to less than 40 hours (but not less than 30 hours) if the employee's department director concurs. During this period of reduced hours, the employee's salary and benefits will continue on a pro-rata basis in accordance with the City's pay plan. The reduced schedule must be agreed to for a minimum period of time up to one fiscal year. There would be no loss of service credit during a period of reduced hours.

3.0 CAREER TRANSITION ASSISTANCE

- 3.1 Negotiated Employment. In any privatization effort, the City will negotiate to the fullest extent possible, for the continued employment of all who are involved in a City function with the new private contractor.
- 3.2 Retirement. Employees whose positions have been designated for elimination may seek retirement in accordance with applicable retirement rules.
- 3.3 Outplacement Services. If all the above steps are unsuccessful and/or neither of the retirement options are selected by those eligible, then the City will provide standard outplacement services internally or through a contracted party. This services will include, but not be limited to,
 - 3.3.1 career counseling;
 - 3.3.2 resume application preparation;
 - 3.3.3 allowances for reasonable time off (if still employed) for interview/employment follow-up; and
 - 3.3.4 access to listings or referrals about other employment opportunities.

4.0 NOTICE

The City shall provide a minimum of eight weeks notice of lay off to employees who face displacement.

5.0 BENEFITS

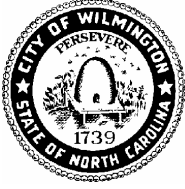
- 5.1 Employees who receive the eight weeks notice of lay-off in a reduction in force will be eligible for continuance of insurance coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended (COBRA) for the first six months at the active employee rate and for the remaining months of COBRA eligibility at the 102% of the total cost (active employee and employer) for the benefit.
- 5.2 The City's Leave Policy will be applied for all employees who separate or retire as a result of a reduction in force.
- 5.3 No other benefits shall apply after separation of employment due to a reduction in force.

6.0 PREVIOUSLY APPROVED TUITION REIMBURSEMENT

Tuition reimbursement for previously approved courses for which the employee is enrolled and attending classes as of the date of separation will be honored by the City upon submission of proper documentation, including a passing grade of C or better.

1. 7.0 DEFINITIONS

- 7.1 Reduction in force: A short or long term reduction in the number of people employed by the City and/or the elimination of previously budgeted positions.
- 7.2 Covered employees: Any regular full-time or regular part-time employee who has successfully completed the probationary period with the City is eligible for benefits under this policy.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: January 17, 2003	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: 221
SUBJECT: INCLEMENT WEATHER AND OTHER EMERGENCIES		

PURPOSE

This policy supersedes Administrative Policy AP 97-1. It is hereby established to ensure the continued delivery of City services in the event of inclement weather or other emergency situations in the City. This policy: 1) establishes guidelines for defining emergency personnel: 2) establishes procedures for early dismissal of employees, delays in opening or closing City offices and facilities: 3) establishes guidelines for notifying employees to be paid during such time.

POLICY

In the event of inclement weather (e.g., hurricanes, snow storms, hazardous ice or other unusual weather conditions) or other emergencies affecting City operations, all City offices and departments shall remain open for the full scheduled workday or work shift unless authorized by the City Manager to close. Under this policy, a closing may be defined as closing offices and operations earlier than scheduled, delaying openings, or remaining closed until such notice is given to return employees to work.

1.0 EMERGENCY PERSONNEL

The nature of essential functions assigned to many municipal jobs requires employees in some classifications to work through the duration of an emergency and to return the City to a pre-emergency state afterwards. All non-civilian Fire and Police personnel, as well as many civilians in both departments, support public safety activities and are considered to be emergency personnel.

1.1 Depending on the nature of the emergency, other employees, who may be required to work through the duration of an emergency, will be identified and notified by the department director/ supervisor.

1.2 Emergency personnel shall be notified by their supervisor of any changes in normal work hours and schedules. All emergency personnel not working scheduled hours at the time of an emergency are subject to "Standby Duty" as provided in the Personnel Policy in addition to revised work schedules, alternate work assignments, overtime, and remaining on duty through the duration of the emergency.

2.0 CALL BACK ELECTION FOR NON-EMERGENCY PERSONNEL

At the onset of an emergency, all other City employees (not defined as emergency personnel) may elect to work alternate work assignments during the emergency. To be available for such assignments(s), the employee must inform the supervisor of his/her willingness to be placed on an

availability list at the onset of an emergency. The employee will be notified if needed to work an alternate assignment.

If an employee elects to be available, he/she must meet the following criteria:

- 2.1 The employee must report to work promptly after being contacted by the supervisor.
- 2.2 The employee must be willing to accept and be capable of performing alternate work assignments.
- 2.3 The employee must be available and willing to work alternate hours of work.

3.0 AUTHORIZATION OF CLOSING BY THE CITY MANAGER

If circumstances warrant a closing of City operations, the City Manager shall inform each department director of the closing. All employees are expected to remain on the job until such notification is given by his or her supervisor. Except for emergency personnel who are directed by their supervisor or department director to remain on duty, all other employees are required to vacate City buildings and offices immediately upon closure by the City Manager. Employees who remain on duty performing his/her regular duties and not related to the emergency are not eligible to receive inclement weather leave pay.

4.0 TIME LOST FROM WORK DUE TO CLOSING

In the event of closing or delays authorized by the City Manager, employees will be paid as follows:

4.1 All City employees **regularly scheduled to work** on the day(s) the City is closed will be paid Inclement Weather Leave (regular wages) for the day(s) closed. The City Manager will determine and designate the number of day(s) the City is closed for which Inclement Weather Leave is paid. Like other paid time off i.e. vacation, sick leave and holidays, the hours charged to Inclement Weather Leave do not count towards the calculation of overtime for the pay week. Only actual hours worked counts towards the calculation of overtime. For early closures and delayed openings of City operations occurring during an employee's shift, the employee will be paid regular wages for the entire shift if he/she works until the designated time of an early closing or works all remaining hours of his/her shift after a delayed opening.

4.2 Nonexempt employees (except Police and Fire) who are required to work during the City closure or work on non-regular scheduled days for clean up after the City re-opens will be paid time and one-half for these hours. Since the hours worked during the closure are paid at a premium rate of one and one half times regular rate, the hours will not be counted towards the calculation of overtime in the week or pay period. Sworn police and fire employees will be paid the straight hourly rate for hours worked. Normal overtime thresholds for public safety employees will apply. Employees who are required to work a 24 hour shift different than their normal shift shall not be paid for sleep time if they are completely relieved of all work responsibilities for the sleep period of five hours or greater.

4.3 All exempt employees below the department and division director level who are required to work during the City closure will be paid a bonus of hours worked at straight time.

4.4 All hours worked during the City closure and designated as Inclement Weather Leave will be posted on the payroll using the designated inclement weather and Inclement Weather Leave pay types.

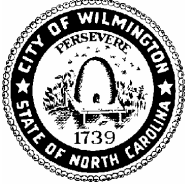
5.0 NOTIFICATION OF CLOSING OR DELAYS

In an emergency situation, department directors must ensure that the department or office is open to the public at the regularly scheduled time unless prior notification has been received from the City Manager's office to close operations.

5.1 If for any reason it is impossible for the department director or any staff member to open the office at the normal time, the City Manager's office must be notified as soon as possible.

5.3 When the City Manager has authorized closing or delay in opening of City offices and departments due to inclement weather or other emergencies, notification of such action will be broadcast on all local television and radio stations.

Procedures for communicating with emergency personnel or employees on standby will be as established in the City's Emergency Operations Manual.



ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: <i>12.20.2004</i>	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: 301 XXII.
SUBJECT: <i>Safety Program</i>		

1.0 PURPOSE

The City of Wilmington establishes a Safety Program for all City employees. The objectives of this program are:

- 1.1 To eliminate the suffering and costs of avoidable personal injury and vehicular accidents;
- 1.2 To provide employees with safe working conditions and procedures;
- 1.3 To meet the safety and health standards established by the North Carolina Division of Occupational Safety and Health;
- 1.4 To reduce losses incurred by the City due to damage to City property or general liability claims.

XXIII.2.0 PROGRAM ELEMENTS

The general elements of the Loss Prevention Program are:

- 2.1 A clear designation of responsibilities, in order to promote, instruct, train, and manage each aspect of the program;
- 2.2 The development and promotion of a comprehensive accident prevention program;
- 2.3 A regular safety inspection program;
- 2.4 A standardized reporting, investigation and review of all accidents involving City employees or property to determine causes and to outline preventative measures;
- 2.5 A safety training program for employees;
- 2.6 A procedure for reporting claims against the City and damage/loss of City property.

3.0 ROLES AND RESPONSIBILITIES

a. The duties of the City Safety Programs Manager are:

- 3.1 To maintain the Safety Program to incorporate the current practices and philosophies determined to be the most effective in preventing injuries, vehicular accidents, and damage to equipment and materials.
- 3.2 Consult as appropriate with all management and employees on safety matters, and provide any guidance necessary to assure effective administration of the safety program.
- 3.3 To immediately report any employee work fatality or any work accident which results in three (3) or more employees being hospitalized to the OSHA Division of the N.C. Department of Labor.
- 3.4 To prepare and post the annual injury summary report (Form 300) as required by OSHA. This report shall be posted within thirty (30) days of the end of the calendar year in each department's assembly point and kept posted for thirty (90) days.
- 3.5 To administer the processing of OSHA citations received by the City, monitor and log all responses submitted by the departments.
- 3.6 To maintain comprehensive records of accident experiences and related costs, as well as perform analyses to determine City-wide and departmental trends, problem areas, and overall performance.
- 3.7 To review all accidents which involve lost workdays or injuries which require more than first-aid treatment.
- 3.8 To ensure the thorough investigation of accidents resulting in lost time, hospitalization, death, and extensive property damage.
- 3.9 To attend Safety Committee meetings to promote maximum understanding of program objectives.
- 3.10 To review and to develop safety rules and procedures, as needed.
- 3.11 To coordinate the annual inspection of all City work facilities. The results of which will be forwarded to departmental safety committees for corrective action.
- 3.12 To conduct follow-up inspections within 90 days on all conditions noted during inspections to ensure proper corrective action has been taken.
- 3.13 To organize safety training workshops.
- 3.14 To interpret City, State, and Federal health and safety regulations as necessary or requested.

XXIV.

XXV. DEPARTMENT DIRECTORS

Department directors are responsible for establishing a Safety Program within each department, and for maintain safe and healthy working conditions and practices for the safety of all personnel under their supervision. They shall:

- 3.15 The responsible for successfully administering the department's safety program;
- 3.16 Implement the safety policies and programs prescribed by the City's Loss Prevention Program;
- 3.17 Establish departmental and divisional safety committees as prescribed;
- 3.18 Ensure that reasonable safety procedures pertinent to the department's activities are developed and enforced;
- 3.19 Call upon the Safety Officer for any assistance needed in promoting aggressive and effective loss control.
- 3.20 Ensure that all hazardous tasks are covered by specific written work rules to minimize the potential for accidents;
- 3.21 Provide adequate job training and continuing safety instructions;
- 3.22 Provide any necessary safety equipment and protective devices and ensure that they are utilized by employees;
- 3.23 Ensure that all employees and supervisors follow all directives and safety procedures as outlined by City policy;
- 3.24 Work cooperatively with the Safety Officer in all matters pertaining to the City's Loss Prevention Program;
- 3.25 Ensure that all accidents are thoroughly investigated, recorded, and promptly reported in accordance with policy.

CITY SAFETY COMMITTEE

The City Manager shall establish a City Safety Committee to ensure vital safety and health communication; to promote cooperation between management, supervisors and employees; to serve as a catalyst for management support of the safety process, to review accidents and to make recommendations for corrections, to review and establish safety policies for the City; and, finally, to provide a method to identify and mitigate workplace hazards.

The City safety Committee shall meet monthly and shall be comprised of department directors and/or their designees. The Committee chairman shall be elected by members annually. The committee shall also elect a secretary to record the Minutes of each meeting. The Safety Programs Manager shall serve as an *ex officio* member of the City Safety Committee and shall assist the Chairman in establishing the agenda for the monthly meetings. The responsibilities of this committee include:

- 3.26 To recommend safety and health policies and submit them for approval by the City Manager. Approved policies shall be distributed and communicated by the members of the committee.
 - 3.27 To review the Annual Safety Workplace Inspection reports and to provide support for department committees in correcting deficiencies.
 - 3.28 To provide safety and health communication to department committees and to employees.
 - 3.29 To serve at the direction of the City Manager for special safety and health emphasis or incentive programs.
-

- 3.30 To review safety and health regulatory issues and make recommendations to City manager and department directors regarding compliance matters.
- 3.31 To review accident trend data and to continuously seek methods to improve workplace conditions to promote the safety and health of employees.

XXVI. DEPARTMENT SAFETY COMMITTEES

The following departments are required to form a Safety Committee:

- DEVELOPMENT SERVICES
- PUBLIC UTILITIES
- PUBLIC SERVICES AND FACILITIES
- POLICE DEPARTMENT
- FIRE DEPARTMENT
- COMMUNITY SERVICES
- FINANCE

Each committee will be composed of three (3) to seven (7) members. The membership of these committees will be appointed by the department director.

Duties of each committee are:

- 3.32 To furnish the department director a monthly report summarizing all safety related activities. A copy of this report shall be forwarded to the Safety Officer.
- 3.33 To establish written, specific safety rules and procedures of operations for their respective department.
- 3.34 To meet monthly and review all departmental accidents and near misses; make recommendations for corrective action. Guidelines are in Section 3 – Accident Review.
- 3.35 To notify the Safety Officer of the time and date of departmental Safety Committee meetings.
- 3.36 To conduct annual safety inspections of all work places, facilities, and equipment. Any violations should be noted on the City Inspection Worksheet (attached) and forward to the Safety Officer immediately after each inspection. All violations shall be corrected as soon as possible.
- 3.37 To conduct monthly inspections of fire extinguishers to ensure that they are in their designated places, meet OSHA standards for readiness, have not been tampered with, and have not been actuated.
- 3.38 To recommend, coordinate, and review safety training programs.

XXVII. SUPERVISORS

Because of their constant contact with employees, supervisors must play a primary role in preventing accidents. With regard to safety, supervisors have the following duties;

- 3.39 Provide adequate basic job training, safety and health instruction and safety orientation to all new employees. The Safety Orientation Checklist (attached) shall be used for documentation.
- 3.40 Provide continuing safety instructions while issuing daily work assignments to focus attention upon potential hazards, changes in work conditions, or procedure changes;
- 3.41 Establish a safe working environment by observing and evaluating work conditions and work procedures to detect and correct unsafe conditions and practices and to establish a system of immediately reporting and correcting imminent dangers which includes ensuring that all work procedures are free of horseplay that could cause a distraction to safe practices;
- 3.42 Promptly investigate accidents and complete required reports;
- 3.43 Enforce OSHA standards and departmental safety rules and regulations that apply to City employees and visitors.
- 3.44 Be receptive to, and encourage employees to report unsafe practices and conditions and to submit practical suggestions for correction.
- 3.45 Participate in training programs designed to increase knowledge of safety and health topics.
- 3.46 Maintain high standards in housekeeping.
- 3.47 Ensure that tools, equipment, and protective devices are used and maintained properly.
- 3.48 Become thoroughly familiar with, and actively enforce, all safety procedures applicable to the work they supervise.

XXVIII. EMPLOYEES

Employees are responsible for exercising maximum care and good judgment in preventing accidents. It is a condition of employment for all employees to work safely. Employees shall follow every precaution and safety rule to protect all employees from bodily injury throughout each job. With regards to safety, employees have the following duties:

- 3.49 Become familiar with and observe approved safe work practices and procedures for their work activities. This includes wearing personal protective equipment as prescribed by departmental safety rules.
 - 3.50 Immediately report to their supervisor all work-related accidents and injuries.
 - 3.51 Immediately report to their supervisor any unsafe practices or conditions observed.
 - 3.52 Support and participate in safety committees and training programs.
 - 3.53 The use of intoxicating beverages or illegal drugs by any employee while on duty is strictly prohibited. Any employee reporting to work under the influence, or any foreman or supervisor, who permits any employee to work under the influence, will be subject to immediate disciplinary action up to and including dismissal.
-

- 3.54 Employees are expected to report any safety hazard or any horseplay to their supervisor or their local safety committee. However, employees have the right to report directly to the Safety Officer any circumstances where unsafe practices or conditions exist, without fear of reprisal.

1. SAFETY INSPECTION WORKSHEET

Department/Division:	Location:	Date:
Persons Conducting Inspection:		

Special Note: Each Department Safety Committee must ensure this inspection is done annually. The Divisional may ask for assistance in the inspection from the Safety Officer. The City Safety Committee will monitor compliance to this requirement.)

XXIX.WALKING WORKING SURFACES

	Yes	No
1. Are aisles and working areas clean and free of hazards? _____	_____	_____
2. Are floors clean and free of slip hazards? _____	_____	_____
3. Are mezzanine areas and floor overways guarded by top rail, midrail, and toe boards? _____	_____	_____
4. Are stairs equipped with standard stair railings? _____	_____	_____
5. Where necessary, are non-skid surfaces applied to stair treads? _____	_____	_____
6. Are ladders sturdy, free of defects and up to required standards? _____	_____	_____
7. Are ladders suitable for the job, equipped with safety feet and used properly? _____	_____	_____
8. Are metal ladders kept away from electrical exposures and marked so? _____	_____	_____ to say
9. Are ladders regularly inspected, maintained and protected storage? _____	_____	_____ during
10. Do scaffolds have sturdy platforms, railings, and toe boards? _____	_____	_____

a) MEANS OF EGRESS

	Yes	No
1. Are there more than one exit for an emergency? _____	_____	_____
2. Are exit routes marked, not obstructed and doors unlocked? _____	_____	_____
3. Are there visible "EXIT" signs with 6-inch letters at all exits? _____	_____	_____

- | | | | | |
|----|---|-------|-------|---------|
| 4. | Are doors that could be mistaken for exits clearly marked
EXIT”? | _____ | _____ | “NOT AN |
| 5. | Do exit doors swing outward? | _____ | _____ | |
| 6. | Do exit doors require only one hand motion to open and exit? | _____ | _____ | |
| 7. | Lighted Exit signs have working lights and tested? | _____ | _____ | |

b)

c) OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROL

- | | | | | |
|-----|---|-------|-------|--------------------|
| 1. | Are abrasive blasting, grinding, and similar operations equipped
exhaust ventilating systems? | _____ | _____ | with |
| 2. | Are known air contaminants under control? | _____ | _____ | |
| 3. | Are hearing conservation measures taken for employees exposed
levels exceeding standards? | _____ | _____ | to noise |
| 4. | Was the building built before 1980? | _____ | _____ | |
| 5. | Has it been determined that the building does not have lead paint or
asbestos? | _____ | _____ | |
| 6. | Is the building free of any evidence of mold growth? | _____ | _____ | |
| 7. | Does the building have good air ventilation? | _____ | _____ | |
| 8. | Are computer work stations aligned correctly and free of
ergonomic problems? | _____ | _____ | |
| 9. | Are restrooms clean and have hot water, paper towels and soap? | _____ | _____ | Yes No |
| 10. | Is work operations free of crystalline silicon exposures? (Work that
generate dusts from dry sand, concrete or pavement grinding or
drilling) | _____ | _____ | |
| 11. | For those air contaminants that cannot be engineered away, is
there a complete respiratory protection program in place that
includes medical evaluation, fit testing, and training? | _____ | _____ | |

d) FIRE PROTECTION

- | | | | |
|----|--|-------|-------|
| 1. | Are portable fire extinguishers: | | |
| a. | Fully charged, accessible, conspicuously marked and mounted no
higher than 5 feet if under 40 pounds or 3 1/2 feet if over? | _____ | _____ |
| b. | Of proper type for existing hazards? | _____ | _____ |

- | | | |
|---|------------|--------------------|
| c. Inspected monthly and serviced as needed (at least annually)? | _____ | _____ |
| d. Are employees trained in use of fire extinguishers? | _____ | _____ |
| e. Placed so there is one for every 3000 sq. ft. within 75 feet of any point? | _____ | _____ |
| 2. Are all standpipes usable? | _____ | _____ |
| 3. Are sprinkler valves locked open and held unobstructed? | _____ | _____ |
| 4. If local fire alarm signaling systems are used, are they of approved type maintained? | _____ | _____ and properly |
| 5. Are "NO SMOKING" or "OPEN FLAME" signs posted and enforced flammable storage? | _____ | _____ near |
| 6. Are covered containers provided for collection and separation of | _____ | _____ waste? |
| 7. Is combustible scrap and debris removed from work areas at regular | _____ | _____ intervals? |
| 8. Are sprinkler heads free of paint? | _____ | _____ |
| 9. Are fire doors closed? | _____ | _____ |
| 10. Are all operations free of generating dusts? | _____ | _____ |
| | Yes | No |
| 11. If more than 25 gallons of flammable liquids, are they stored in approved metal cabinets? | _____ | _____ |
| 12. Are fire showers or chemical showers inspected weekly? | _____ | _____ |
| 13. If multi-level building, is there an annual fire drill? | _____ | _____ |

(1) HAZARDOUS MATERIALS, MATERIAL HANDLING AND STORAGE

- | | | |
|--|-------|------------------|
| 1. Are passageways marked, unobstructed and adequately lighted? | _____ | _____ |
| 2. Are materials properly stacked with regard for fire characteristics loads, and stability? | _____ | _____ safe floor |
| 3. Are MSDS sheets available for all chemicals found in the work place? | _____ | _____ |
| 4. Are employees trained in Hazard Communication standards? | _____ | _____ |
| 5. Are containers labeled? | _____ | _____ |
| 6. Is the written hazard communication program available to employees? | _____ | _____ |

(2) MACHINERY AND MACHINE GUARDS

- | | | | |
|----|---|-------|------------------|
| 1. | Are drive belts, chain drives, etc., completely enclosed? | _____ | _____ |
| 2. | Are machine guards kept in place and regularly inspected? | _____ | _____ |
| 3. | Are inspection and maintenance records kept on file? | _____ | _____ |
| 4. | Are shaft ends, nip points, moving parts, etc., guarded? | _____ | _____ |
| 5. | Do fixed power tools have disconnect switches that can be locked off? | _____ | _____ and tagged |
| 6. | Are grinder's tool rests and upper guards at the proper 1/4 and 1/8 clearances? | _____ | _____ |

(3) HAND AND POWER TOOLS

- | | | | |
|----|---|------------|-----------------|
| 1. | Are hand-held power tools equipped ONLY with constant pressure switches? | _____ | _____ |
| | | Yes | No |
| 2. | Are "Skill saws" provided with FUNCTIONING self-adjusting lower upper guards? | _____ | _____ and fixed |
| 3. | Do lathes have guards? | _____ | _____ |
| 4. | Do drill presses have guards that cover the chucks? | _____ | _____ |
| 5. | Do band saws and other types of similar equipment have guards? | _____ | _____ |
| 6. | When using powered hand tools with extension cords, are GFCI's also used in the temporary power source. | _____ | _____ |

Electrical

- | | | | |
|----|--|-------|-------|
| 1. | Are appliances rated at commercial use and not "household use only"? (Fans, coffee pots, can openers, etc. | _____ | _____ |
| 2. | Are GFCI's installed in kitchen, restroom or other wet locations? | _____ | _____ |
| 3. | Are GFCI's tested monthly? | _____ | _____ |
| 4. | Are extension cords free of cuts or damaged areas? | _____ | _____ |
| 5. | Are electrical circuits tested for proper grounds? | _____ | _____ |
| 6. | Are flexible cables equipped with stress relief connectors? | _____ | _____ |
| 7. | Are electrical disconnect and circuit breaker panels marked? | _____ | _____ |
| 8. | Are face plates on receptacles? | _____ | _____ |
-

- | | | |
|--|------------|-----------|
| 9. Are wiring runs free of exposed bare wire or exposed circuitry? | _____ | _____ |
| 10. Is the area in front of electrical panels open allowing safe access? | _____ | _____ |
| 11. Are circuit breaker panels free of blanks and exposed busses? | _____ | _____ |
| 12. Are conduit runs free of other utility lines improperly hung on them? | _____ | _____ |
| 13. Are electrical panel doors closed and secure? _____ | _____ | |
| 14. Are cover plates on junction boxes? _____ | _____ | |
| 15. Is the Lockout Tagout program available to authorized employees? | _____ | _____ |
| | Yes | No |
| 16. Are authorized and affected employees under the lockout program trained? | _____ | _____ |
| 17. Do lockout specialists have their own locks? _____ | _____ | |
| 18. Does the Department have a way to create Energy Control Procedures? | _____ | _____ |

Programs

- | | | |
|---|-------|-------|
| 1. Does the Department have regular safety meetings that are documented? _____ | _____ | |
| 2. Is this inspection report done every year? | _____ | _____ |
| 3. Are the deficiencies of last year's report abated? _____ | _____ | |
| 4. Is the Safety Program found in this Department? _____ | _____ | |
| 5. Does Department Safety Committee meet regularly? | _____ | _____ |
| 6. Are emergency evacuation procedures posted? _____ | _____ | |
| 7. Do employees have a method of reporting safety problems? | _____ | _____ |
| 8. Does the Department have a place to post safety information? (OSHA poster, yearend injury summary, safety meeting notes, etc.) | _____ | _____ |
| 9. Are the 10 safety rules posted? _____ | _____ | |
| 10. Have all new employees attend the HR New Employee Orientation? | _____ | _____ |

SAFETY ORIENTATION CHECKLIST

Supervisors must ensure that each new employee is thoroughly instructed in the safety and health requirements of the job and the City's expectations for compliance. This checklist is provided for that purpose. The instruction must be completed prior to the employee working without direct supervision. Check each of the items on this form at the time instruction is given. When completed, sign and then file in the Division's safety files. The City Safety Programs Manager will periodically audit the file for compliance.

Employee's Name _____ Dept./Div. _____

Job Title _____ Date Employed _____

	Completed
1. Discuss general safety rules of division. _____	
2. Explanation of safety rules for specific jobs _____	
3. Reporting unsafe conditions _____	
4. Proper lifting techniques _____	
5. Tool safety _____	
6. Reporting accidents and injuries _____	
7. First aid and medical attention procedures _____	
8. Emergency procedures _____	
9. Housekeeping _____	
10. Storage of materials _____	
11. Fire Prevention _____	
12. Personal Protective Equipment _____	
13. Reviewed 10 City Safety Rules _____	
14. Reviewed MSDS's of chemicals employee expected to use _____	

The above named employee has been instructed in the safety requirements and procedures indicated above. This instruction is not to be considered conclusive or exhaustive. Rather, ongoing training will continue in the work unit to which this employee is assigned and will be more specific to the safety and health needs and expectations of that work unit.

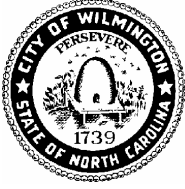
Supervisor's Signature

Acknowledged by employee _____ Date _____

City Safety Rules

- 1. Always wear personal protective equipment when required.**
- 2. Never operate a disconnect switch or circuit breaker unless you are trained as an authorized lockout/tagout specialist.**
- 3. Never work on or near unguarded moving machinery.**
- 4. Never operate a fork truck or mobile equipment unless you are trained and qualified to do so.**
- 5. Never work 4 feet above a surface unless falls protection is provided.**
- 6. Never enter a confined space unless you are trained and qualified to do so.**
- 7. Always seek immediate medical attention if someone's blood gets on your body.**
- 8. Always follow all traffic laws and wear seat belts when driving a City vehicle.**
- 9. Never consume illegal drugs or alcohol that could cause impairment while working.**
- 10. Never work under a suspended load.**

These rules cannot be violated unless a written variance from the Safety Program Manager and/or City Manager approves a specific request, or only in the event of an extreme emergency condition requiring rescue. A safety variance cannot be granted for an OSHA requirement unless approved by the Department of Labor.



ADMINISTRATIVE POLICY
City of Wilmington

EFFECTIVE DATE: 7.1.2004	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: 302
SUBJECT: Accident Review Standard		

b. 1.0. PURPOSE

To provide a procedure for reviewing job-related accidents and incidents in order to identify unsafe acts or conditions, and determine corrective actions to prevent recurrence.

2.0 PROCEDURE

- 2.1 The Departmental Safety Committee shall forward to the City Safety Programs Manager a monthly report containing a list of all accidents/incidents and any corrective actions taken or planned to prevent recurrence.
- 2.2 Each Departmental Safety Committee will also determine whether the accident was preventable or non-preventable.
- 2.3 Each Departmental Safety Committee will establish guidelines based upon the rules and procedures of the respective department or division, upon which the preventability or non-preventability of an accident will be evaluated. The City Safety Committee shall review the Departmental Safety Committee's guidelines and recommend any changes to the respective Department Director.
- 2.4 The City Safety Committee, or a sub-committee thereof, shall periodically review the accident review findings of the Departmental Safety Committees in order to provide quality control and to maintain consistency of application.
- 2.5 The Safety Programs Manager will assist the Departmental Safety Committee in the development of guidelines as requested. If the Safety Committee determines that an accident was preventable, it will classify the accident in accordance with the guidelines of this standard.
- 2.6 If an employee questions the determination or recommendation of the Safety Committee, he/she may appeal the determination to the Safety Programs Manager.

c. 3.0 CLASSIFYING OF VEHICLE ACCIDENTS

- 3.1 Vehicle Accidents will be classified as follows:
-

<u>Classification</u>	<u>Definition</u>
A	Non-Preventable
B	Questionable Preventability
C	Preventable with minor omission of safe defensive driving principles
D	Preventable with moderate omission of safe defensive driving principles
E	Preventable with major omission of safe defensive driving principles

- 3.2 The following points will be charged against the driver's record based on the classification of an accident:

Classification A	No Points
Classification B	No Points
Classification C	2 Points
Classification D	4 Points
Classification E	6 Points

- 3.3 All points shall be cumulative during an employee's entire career with the City of Wilmington.
- 3.4 If a driver is charged with six (6) or more points within a twenty-four (24) month period, City driving privileges may be suspended for a minimum of thirty- (30) calendar days even though the employee may retain a valid North Carolina Driver's License. Additionally, the supervisor may recommend corrective and/or disciplinary action to include transfer to a non-driving position (if available), disciplinary suspension (leave without pay), or dismissal.
- 3.4 When an employee has two (2) preventable accidents in a twelve (12) month period and less than six (6) accumulated points, the supervisor will review the employee's driving record and recommend appropriate corrective action(s).

d.

e. 4.0 CLASSIFICATION AIDS FOR VEHICLE ACCIDENTS AND INFRACTIONS

As an aid in classifying an accident, and assessing points against the employee's record, the following is offered as a guide:

- 4.1 Classification E (6 Points): - Potential violations include but are not limited to:
1. Passing a stopped school bus;
 2. Personal injury or death as a result of driver's negligence as found by a court of record or Safety Committee;
 3. Hit and run;
 4. Reckless driving on roads and City operation yards;
 5. Speeding in designated School Zone;
 6. Driving on wrong side of road;
 7. Illegal passing;
-

8. Running a red light , stop sign, and/or Safe Light;
9. Exceeding posted speed limit by 15 or more m.p.h.;
10. Driving under the influence;
11. Driving without a license;
12. Failure to stop for a siren;
13. Failure to report an accident to supervisor;
14. Driving through a Safety Zone.

4.2 Classification D (4 Points) – Potential violations include but are not limited to:

1. Speeding by less than 15 m.p.h. in excess of posted speed limit;
2. Failure to yield Right of Way;
3. Following too close;
4. Improper backing.

4.3 Classification C (2 Points) – Potential violations include all other moving violations not outlined above which are “minor” in nature.

f. 5.0 CLASSIFYING NON-VEHICLE ACCIDENTS

The departmental Safety Committee will review all non-vehicle accidents resulting in bodily injury; personal injury to another individual, damage to City-owned or privately owned property.

5.1 Such accidents will be classified as follows:

<u>Classification</u>	<u>Definition</u>
F	Non-Preventable
G	Questionable Preventability
H	Preventable with Minor Omission of Safety
practice	
I	Preventable with Moderate Omission of Safety
	practice
J	Preventable with Major Omission of Safety
practices	

5.2 The following points will be charged against the employee based on the accident’s classification:

Classification	F	No Points
Classification	G	No Points
Classification	H	2 Points
Classification	I	4 Points
Classification	J	6 Points

5.3 If an employee has two (2) preventable accidents in a twenty-four (24) month period, the employee’s supervisor will recommend appropriate corrective and/or disciplinary action.

g. 6.0 DETERMINING PREVENTABILITY

- 6.1 While it is necessary that each accident be reviewed on its own merits and important that due regard be given any particular circumstances involved in establishing preventability, it is essential that Committee members be as consistent as possible in making this determination.
- 6.2 There are two (2) general questions involved in determining whether an accident is preventable or non-preventable on the part of any employee, and each Committee member must answer one or both of these in order to arrive at a fair and proper determination.

The first question to be answered is:

Did the City employee significantly contribute to creating the circumstances under which the accident occurred?

If the answer to this question is “YES” the accident is PREVENTABLE on the part of the City employee and the second question need not be answered.

If the answer to this question is “NO” the second question to be answered is:

Once in the accident environment, did the City employee fail to do anything that could be reasonably expected of them to avoid the accident?

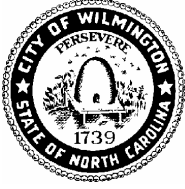
If the answer to this question is “YES” the accident is PREVENTABLE on the part of the City employee.

If the answer to this question in “NO” the accident is NON-PREVENTABLE on the part of the City employee

- 6.3 These questions are phrased so that if the answer to EITHER is “YES”, the accident is PREVENTABLE while in order to support a finding of NON-PREVENTABLE, the answer to BOTH must be “NO”.

h. 7.0 PERFORMANCE APPRAISALS AND SAFETY

This section is under review and will be issued at a later date.



a)

ADMINISTRATIVE POLICY

City of Wilmington

EFFECTIVE DATE: 2.09.2004	APPROVED BY: Sterling B. Cheatham City Manager	POLICY NUMBER: XXX. 401
SUBJECT: <i>Cellular Telephone Policy</i>		

PURPOSE

It is the policy of the City of Wilmington to provide cellular telephones, upon Department Director approval, to employees for business use when the use of such telephones will increase the level of service provided to the City's customers, increase the level of safety for the City employee, and/or satisfy legal requirements.

1. POLICY

1.0 Business Use

- 1.1 A City cellular telephone shall be used for appropriate business purposes. Such use is defined to be appropriate when an employee must make a call related to furthering City operations, does not have access to a regular City telephone, and the call cannot or should not wait until returning to the office. The City also encourages employees to be good citizens and use cellular telephones to report emergency situations to appropriate authorities, using free cellular calls whenever possible (e.g., 911 or *HP).
- 1.2 A City cellular telephone may be used for circumstances in which an employee must make a personal telephone call, does not have access to another City telephone, and such circumstances are at the City's request and/or relate to City business. For example, an employee may need to notify immediate family members that he/she is working past normal working hours and his/her expected arrival time. Other permitted calls would be those directly related to the health, safety and welfare of the employee. Such calls are to be made from a cellular telephone only when a regular City telephone is unavailable.

2.0 Personal Use

- 2.1 Certain personal calls are permitted, but should be kept to a minimum and may require reimbursement. Calls of this nature are for the well being of the
-

individual or his/her immediate family or for personal business that requires immediate attention and the employee cannot otherwise get to a regular telephone.

- 2.2 Reimbursement, in the amount per minute applicable at the time of use plus any other applicable charges, shall be made by cash or personal check to reduce the charges to the cellular telephone bill. No other personal calls are permitted.

3.0 Incoming Calls

The City discourages the disclosure of cellular telephone numbers to the public as the telephones are the property of the City and not of the employee. All incoming calls are discouraged unless the calls are part of the business operations of the employee and the department director specifically directs the employee to encourage incoming calls for such purposes.

4.0 Telephone Misuse

Cellular telephone use and charges are subject to be monitored by the department director, Purchasing Office, Finance Office, or the Internal Auditor. Any intentional, deliberate misuse of a City cellular telephone will result in disciplinary action up to and including dismissal.

5.0 Responsibilities

- 5.1 It is the responsibility of the department director, or his designee, to review the detailed cellular telephone bill for the department each month. The director should note telephone usage patterns for both individuals and the department. The director shall investigate any unusual or questionable patterns, and shall take any appropriate action based on such investigation and further, that any required reimbursement is made to the City on a timely basis in accordance with the requirements set forth herein. The director shall make his employees aware of the allowable number of minutes assigned to each employee or work group.

5.2 It is the responsibility of the Finance Office to ensure that copies of the telephone bill detail for each telephone is provided to the applicable department each month or as requested by the department director.

5.3 It is the responsibility of the employee assigned a cellular telephone to use such telephone in accordance with this policy. Employees should take measures to insure minutes used are kept below the allowable assigned minutes when possible by being good consumers. (Example: checking voice mail messages from desk phones does not use minutes towards the cellular phones.) The employee should take appropriate action to prevent damage and/or theft of the telephone equipment. It is expected that City of Wilmington employees will use telephones responsibly and professionally. They

shall make no intentional use of the resources in an illegal, malicious, inappropriate or obscene manner.

6.0 Reimbursement for Use of Personal Cell Phone for Business Use

On a case-by-case basis, the Director of Finance, with concurrence from the Department Head, may reimburse an employee for use of their personal cell phone for business calls up to 50% of one monthly bill not to exceed \$25.00. The employee will be issued a City phone when requests exceed this amount.

Information Technology Policy #1**Effective Date: 05/01/00****Supercedes: 07/13/98****City Manager:**

III. Purpose

The goal of this policy is to ensure the use of the Internet and email by City of Wilmington employees is consistent with City policies, all applicable laws, the individual user's job responsibilities, and to establish basic guidelines for appropriate use of this resource.

II. Scope

This policy applies to all departments of the City of Wilmington.

IV. General Internet Policy

While in performance of work-related functions, while on the job or in a City facility, or while using City owned or City provided information processing resources, City employees are expected to use the Internet responsibly, professionally, and in compliance with all applicable laws and City policies. The City employee shall make no intentional use of these resources in an illegal, improper, malicious, or obscene manner. Internet access and use is a privilege. The City provides information systems to you as tools to accomplish your work assignments. Misuse or abuse of these systems may result in disciplinary action up to and including dismissal. City departments may develop guidelines or controls to address procedures for maintaining and monitoring efficient Internet use. Such guidelines may narrow the scope of Internet access for employees, but may not conflict with overall City policy.

City employees have a responsibility to make sure that all City information disseminated via the Internet is accurate. If requested, employees shall provide a reference for the information, its source, and the date at which it was current. An electronic mail address allowing the recipient to contact the City employee responsible for making the information available in its current form must also be provided. Individual users must be aware of and at all times attempt to prevent potential City liability in their use of the Internet.

The Internet is a valuable resource tool. Employees are encouraged to use the Internet in the performance of their duties or to enhance their effectiveness. The information systems at work are to be used for the business of the City.

IV. Incidental Use

Incidental use of a city owned information resource by City employees is permitted with the following restrictions.

1. Employees should not expect privacy or confidentiality as may otherwise apply to the use of technology. Employees should be aware that incidental use of City owned technology resources is subject to all the rules in this policy including inspection and monitoring.

2. Use on an occasional basis may be permitted providing that such use does not interfere with the City employee's obligation to carry out City duties in a timely and efficient manner.

3. Incidental use of technology resources must not interfere with the job performance or productivity of any other employees or undermine the use of City resources for official purposes.

4. Individuals who are not employees of the City (including an employee's family or friends) are not allowed to use the City's technology resource.

5. Incidental use of technology resources by an employee neither expresses nor implies sponsorship or endorsement by the City.

6. Technology shall not be used to operate or promote a business for personal profit or gain.

7. Technology shall not be used in an illegal, improper, malicious, or obscene manner.

V. Electronic Mail

When sending or forwarding E-mail over the Internet, City employees shall identify themselves clearly and accurately. Anonymous or pseudonymous posting is expressly forbidden.

The deletion of a message does not eliminate it from the City's automatic back-up files; for a certain length of time such messages may be retrieved if necessary.

All E-mail and computer bulletin board communications are for work purposes, and harassment and other offensive communications and images are strictly prohibited. Harassment includes, but is not limited to, any derogatory transmission referencing a person's race, color, religion, sex, age, national origin, sexual orientation, disabilities, or physique. Offensive communications include, but are not limited to, insensitive, derogatory, insulting defamatory, or sexually explicit messages or images; obscene language; chain letters and jokes; and gossip of any kind.

VI. Requests for Information

Requests for information received electronically should be given the same care and consideration that any other verbal or written request would be given. Release of confidential or sensitive material should be done within the guidelines of other existing City or department policy governing release.

VII. Violations of the Law

Failure to keep certain electronic records may violate the law. Other violations of the law, including copyright and trademark infringement and the sending and receiving of obscenity and child pornography, could subject the employee to disciplinary action and possible criminal prosecution.

VIII. Viruses

All files, such as spreadsheets, data bases and word processing documents, downloading from sources external to the City must be scanned for viruses. No software program shall be downloaded without prior approval of the Information Technology Services Division. This includes software, freeware or other Internet distributed software programs.

IX. System Security

The Internet provides easy access to software distributed by companies on a trial basis. This free access does not indicate that the software is free or that it may be distributed freely. All applicable software copyright and licensing laws and City IT policies must be followed.

The safety and security of the City's network and resources must be considered paramount when using the Internet. Users passwords are confidential. It is the user's responsibility to maintain the confidentiality of their password(s). Employees are prohibited from using passwords, accessing files, retrieving stored communications or disclosing information or E-mail messages unless authorized to do so. This regulation applies to the use of passwords or encryption keys assigned to others.

All Internet users need to understand that E-mail messages and other transfer of information via the Internet are presently not secure. Do not send confidential communications via the Internet. Do not use the Internet to transfer sensitive information such as credit card information.

A wide variety of information is available on the Internet. Some individuals may find some information offensive or otherwise objectionable. Individual users should be aware that the City has no control over and can therefore not be responsible for the content of information available on the Internet.

All messages are records of the organization. As the employer, the City reserves the right to access and disclose all messages sent over its electronic mail system and to enter an employee's E-mail files whenever there is a business need to do so or for any other purpose deemed appropriate, to include but not limited to insuring the proper use of these programs, tools, etc.

No employees shall be granted Internet access until this policy has been read and the attached document, which states that the employee has read, understood, and will comply with the policy, has been signed. A copy of the signed form of understanding will be maintained by the Human Resources Department in the employee's personnel file. Notwithstanding any statement herein, or in any policy or in any verbal statements, the City of Wilmington City Manager or designee has sole discretion to grant, transfer, suspend, or cancel any employee's Internet access at any time for any reason.

Definitions:

E-mail/Electronic Mail: The capability to compose, address, and send messages electronically.

**Internet Policy
Form of Understanding**

I, _____, certify that I have read and understand the attached Internet Policy, and I agree to comply with the regulations set forth therein. I understand that the use of these programs is a privilege given to me as a result of my employment with the City of Wilmington. I further understand that my use of these tools is not held confidential, and that the City reserves the right to monitor and/or review my use of the Internet and any information I send through E-mail as a means of insuring proper use of these programs by all City employees. I understand that any violations of this policy may result in termination of access rights and/or disciplinary action. Violators of local, state, and federal laws carry additional penalties.

Signature: _____ Date: _____

Information Technology Policy #2

Effective Date: 07/13/98

Supercedes:

City Manager:

IV. Purpose

The goal of this policy is to ensure that the use of software by City of Wilmington employees is consistent with the City policies, all applicable laws, and the individual user's job responsibilities, and to establish basic guidelines for appropriate use of this resource.

II. Scope

This policy applies to all departments of the City of Wilmington.

V. General Software Policy

The unlicensed duplication or use of any pirated software program is illegal and can expose you and the City of Wilmington to civil and criminal liability under copyright law.

In order to ensure that employees do not intentionally or inadvertently violate the copyright, employees shall not copy any program installed on a City computer for any purpose without permission from Information Technology Services. Likewise, employees shall not install any program onto a City computer without such permission, in order to verify that a license is held to cover such installation. This prohibition extends to games and other software.

VI. Prohibition

The City of Wilmington *will not tolerate* any employee making unauthorized copies of City-owned software. Any employee copying software illegally is subject to disciplinary action up to and including dismissal.

Any employee who wants to use software licensed by the City of Wilmington at home, must consult with Information Technology Services in order to make sure such use is permitted by the publisher's license. Failure to obtain authorization will constitute theft of City-owned property and may result in disciplinary action up to and including dismissal.

PC Application Software Employee Agreement

1. The City of Wilmington licenses the use of computer software from a variety of outside companies. The city of Wilmington does not own this software and unless authorized by the copyright owner, does not have the right to reproduce it except for backup purposes.
2. Individually licensed software is licensed for use on one workstation. Loading software onto another machine may constitute a violation of copyright. However, some software manufacturers allow the user of the software to use the software for a home and/or portable computer as well as an office workstation. The idea here is that the user cannot be in more than one place at a time; therefore, the software can only be used at one place at one time.
3. The Microsoft License Agreement for Office Professional will allow home use in certain conditions. If the Software is permanently installed in the hard disk or other storage device of a computer (other than the network server) and one person uses that computer more than 80% of the time it is in use, than that person may also use the Software on a portable or home computer.
4. All PC application software loading (to include games) should be approved by and returned to Information Technology Services. It will be the employee's responsibility to load and support the software being used for home use.
5. In the event a City of Wilmington employee should terminate employment, it is the sole responsibility of that employee to discontinue the use of and remove the City-owned software from the home and/or portable computer.

I am fully aware of the software use and agree to uphold this agreement.

Employee Signature: _____

Date: _____

Printed Name: _____

Department: _____

XXXI. Media Policy #1

Effective Date: 02/01/01

Supercedes:

City Manager:

V. Purpose

The goal of this policy is to provide City personnel with guidelines for dealing with the news media, and preparing and distributing news releases.

VI. Scope

This policy applies to all departments of the City of Wilmington. Individual departments may have additional policies and/or procedures for the release of information.

VII. Policy Overview

It shall be the policy of the City of Wilmington to maintain and promote open avenues of communication between the City and the news media, and to provide accurate, informed, timely and relevant information to the press and to the public. City staff are expected to be responsive to media inquiries.

VIII. General Policy

Media Interaction

- A. All City staff members are encouraged to communicate by appropriate means with members of the news media concerning programs for which they are responsible or in which they have expertise.
- B. When communicating with the media, City staff should be mindful that they are perceived to be acting on behalf of the City whether or not they intend to be doing so. Therefore, staff should always behave professionally and courteously, staying focused on the message they are trying to convey, while avoiding extraneous commentary, speculation, or the drawing of conclusions with incomplete information.
- C. While truthfulness is paramount in all dealings, staff (as representatives of the City) should work towards the presentation of City issues in a positive manner.
- D. Department directors and the City Manager's staff are required to be responsive to the media. Department directors may also require other individuals to interact with the media as needed.
- E. Other City staff members are not required to talk with the media, but are encouraged to do so when appropriate. City employees who do not wish to talk with the media should communicate their decision not to comment,

and reporters should not be led to interpret their decision to avoid comment as an overall department policy of restricting staff communications with the media. If an employee chooses not to communicate with the media, then s/he is required to refer the inquiry immediately to her/his supervisor/department director/City Manager's office who will talk with the media.

Employees, like all citizens, have a First Amendment right of free speech. On occasion, an employee's personal interest in an issue may be different from the City's position. When this occurs, employees are welcome to voice their interest, but are required to clearly state that their position is personal.ⁱ Employees do not have to get prior approval from anyone before talking with a member of the media; however, notification following a conversation or interview with the news media should be made the same day of the contact. Notification of media contact should be made to the City's Public Information Officer and the employee's immediate supervisor. Notification in person, by telephone, or by e-mail is acceptable.

Records

- A. The City of Wilmington is a local government entity. As such, most of what we do is a matter of open record. There are very few exceptions and they are determined by North Carolina law: they include; personnel records (with the exception of name, age, date of original employment, current position title, current salary, date and amount of most recent personnel action, and department and location to which currently assigned); certain trade secret information supplied to the City; certain information regarding expansion and location of business or industrial development projects; privileged communications from attorneys for the City; state tax information; certain law enforcement records that may be related to criminal investigations; and individual health records. To insure that only accurate and legally open personnel information is released, all personnel records information shall be released only by the City of Wilmington Human Resources Department, the City Attorney's Office, or the City Manager's Office.
- B. The Public Information Office provides a clipping service for all articles related to the Wilmington City Government that appear in local/area newspapers. On occasion, articles about City government and staff appear in magazines and professional journals; in an effort to archive this information and to generate additional coverage for City staff and activities, departments are encouraged to send copies of these articles to the Public Information Office.

News Releases

- A. News releases issued by a department should be submitted to the Public Information Office for review, approval and distribution coordination. Not

all that happens in City departments is worthy of a news release. Some items may be best handled as a “media advisory” or a feature story suggestion. Other items may be best handled as correspondence to a particular group.

- B. Once approved, the Public Information Office will be responsible for distribution to the news media. The initiating department is responsible for sending copies to their personnel. If necessity requires a department to distribute its own news releases, then a courtesy copy should be sent to the Public Information Office.
- C. News releases issued after 4:00 PM should include an after hours or evening contact telephone number.

a. *Press Conferences*

- A. Press Conferences offer the City an opportunity to directly present information to the media and interested citizens. By their very nature, press conferences rely on having the media present to communicate our information to the public. Therefore, when planning press conferences the availability of the media should be given priority.
- B. Typically, press conference should be held no earlier than 10:00 AM and not later than 4:00 PM. This timeframe allows the print, television, and radio media to all have access to the story. Likewise, press conference should be held on Mondays or Tuesdays, if possible, to allow weekly newspapers an opportunity to report on the information.
- C. Press conferences should be called no more than 24-36 hours prior to the event. If called earlier, the media typically will try and get the information before the conference and thus negate the purpose of holding a press conference. Media advisories/invitations should be faxed to the media and followed up with a telephone call.
- D. The City Manager’s Office/Public Information Office must be consulted before calling a press conference.
- E. As the elected governing body of the City, the involvement of the Mayor and City Council will be given primary consideration for scheduling press conference activities concerning policy matters.

b. *Publications*

All published reports, brochures, fact sheets, etc., should be sent to the Public Information Office to be archived and considered for availability in the Citizen Information display rack and on the City’s web site.

c. *Public Meetings*

All public and/or community meetings should be reported to the Public Information Office and included on the City’s weekly calendar, which is shared with local media and citizen groups and is made available on the City’s web site.

¹ For example, during public meetings about a particular City policy or program, employees may voice their personal opinion concerning the policy or program, but should do so in the following manner: “My name is John Doe. My views on this topic are my own personal views and are not necessarily the views of the City of Wilmington.”